

**CITY OF EUREKA  
CITY COUNCIL/  
REDEVELOPMENT AGENCY  
AGENDA**

Marian Brady 1<sup>st</sup> Ward  
Linda Atkins 2<sup>nd</sup> Ward  
Mike Newman 3<sup>rd</sup> Ward  
Melinda Ciarabellini 4<sup>th</sup> Ward  
Lance Madsen 5<sup>th</sup> Ward



Frank Jäger, Mayor

**REGULAR MEETING  
TUESDAY, FEBRUARY 1, 2011  
CLOSED SESSION 5:00 P.M.  
REGULAR SESSION 6:00 P.M.  
COUNCIL CHAMBER  
531 K STREET  
EUREKA, CA 95501**

David Tyson, City Manager  
Pam Powell, City Clerk  
William Bragg, Interim City Attorney

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**CLOSED SESSION**

*If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.*

**A. PUBLIC COMMENT PERIOD**

*(Limited to 3 minutes each speaker on closed session agenda items only)*

**B. Conference with labor negotiators**

Agency designated representatives: Gary M. Bird for City of Eureka  
Employee organization: Eureka Firefighters' Local #652 (EFL) and Eureka Fire Officers Local (EFOL).

*Pursuant to California Government Code Section 54957.6*

**C. Conference with legal counsel-anticipated litigation**

Significant exposure to litigation: two cases.

*Pursuant to California Government Code Section 54956.9(b)*

**D. Conference with legal counsel-existing litigation**

Lawrence Badgley vs. City of Eureka Case No. DR110062

*Pursuant to California Government Code Section 54956(a)*

**E. Public Employment – City Manager**

*Pursuant to California Government Code Section 54957*

**F. Conference with real property negotiators**

Property: Coastal Dependent Industrial property located on the water side of Waterfront Drive, westerly of the Eureka Small Boat Basin; upland portion of APN 003-062-021.

Agency negotiator: David Tyson for the Eureka Redevelopment Agency

Negotiating parties: David Schneider

Under negotiation: price, terms, and conditions.

*Pursuant to California Government Code Section 54956.8*

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**REGULAR SESSION – 6:00 P.M.**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**REPORT OUT OF CLOSED SESSION**

**MAYOR’S ANNOUNCEMENTS**

Travel to Sacramento – New Mayor and Councilmember’s Seminar

Giants Trophy Tour

**COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS**

Councilmember Brady: Travel to Sacramento - New Mayor and Councilmember Academy

Councilmember Atkins: Travel to Sacramento, League of California Cities Housing, Community and Economic Development Committee

Councilmember Newman: Travel to Sacramento – New Mayor and Councilmember Academy

Councilmember Ciarabellini: Travel to Sacramento – New Mayor and Councilmember Academy

**BOARD/COMMISSION REPORTS**

Keep Eureka Beautiful

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**PUBLIC HEARINGS**

*Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.*

1. Public Hearing – Schneider Cargo Storage Area Coastal Development Permit  
Recommendation: 1. Continue the public hearing until March 15, 2011.  
(Community Development Director)
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## **PUBLIC COMMENT PERIOD**

*This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.*

*Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.*

2. Is there any person in the audience who wishes to address the Council at this time?
- 

## **CONSENT CALENDAR**

**Notice to the Public:** *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.*

3. Council meeting minutes.

Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of December 7, 2010, December 21, 2010 and the special Council/Redevelopment Agency Board meeting minutes of December 7, 2010 as submitted.  
(City Clerk)

4. Request for Exception to the Hiring Freeze

Recommendation: Approve an exception to the hiring freeze for a Harbor Operations Technician I/II position.  
(Personnel Director)

5. Mayor's appointments to Boards, Commissions and Committees

Recommendation: Approve the Mayor's appointment to the Finance Advisory Board with the following term expiration date:  
Finance Advisory Committee      Appoint Dave Parris      01/01/2015  
(Mayor)

6. Rhododendron Parade

Recommendation: Sponsor Rhododendron Parade coordinated by Eureka Old Town Rotary.  
(City Manager)

7. City Manager At Will Agreement

Recommendation: Authorize the Mayor to execute the City Manager At-Will Employment Agreement with David W. Tyson through December 31, 2012  
(City Manager)

8. Twelve minute parking time limit-east side of "F" Street, south of second.

Recommendation: Adopt resolution establishing a 12-minute parking zone on the east side of "F" Street, south of Second Street.  
(Assistant City Manager)

9. Harris and Central traffic signal project – Bid No. 2009-17.

Recommendation: 1. Accept Harris and Central traffic signal construction project.  
2. Authorize the filing of a "Notice of Completion" at the Office of the County Recorder.  
(Assistant City Manager)

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**ORDINANCES/RESOLUTIONS**

10. Sequoia Park Zoo –Prop 84 Nature Education Facilities Grant: Watershed Heroes"

Recommendation: 1. Adopt Resolution and Sequoia Park Zoo Foundation/City of Eureka Implementation Agreement to meet requirements of the California State Parks and Recreation Proposition 84 Nature Education Facilities Grant for Sequoia Park Zoo called "Watershed Heroes: Super Salmon, Awesome Otter and Epic Eagle".  
(Public Works Director)

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**REPORTS/ACTION ITEMS**

11. **Redevelopment Agency** - Jefferson School Acquisition

Recommendation: 1. Receive Strategic Plan Update and staff report regarding acquisition of Jefferson School; and  
2. Provide direction to staff on how to proceed with project.  
(Redevelopment Director)

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**CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS**

Public Safety Report

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**ADJOURNMENT**

*If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.*

## NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov).
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
  1. We may disagree, but we will be respectful of one another.
  2. All comments will be directed to the issue at hand.
  3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at [www.accesshumboldt.net](http://www.accesshumboldt.net) – Search archives "Eureka City Council Meetings".
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail [ppowell@ci.eureka.ca.gov](mailto:ppowell@ci.eureka.ca.gov) or contact the City Clerk's office at (707) 441-4175.

#3

MINUTES OF  
EUREKA CITY COUNCIL  
EUREKA REDEVELOPMENT AGENCY

December 7, 2010

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:00 P.M. Closed Session, 6:00 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

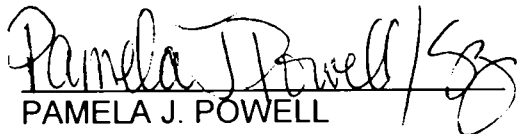
PRESIDING: MAYOR JÄGER

PRESENT: BRADY, ATKINS, NEWMAN, MADSEN

ABSENT: NONE

VACANT: FOURTH WARD

MINUTES PREPARED BY:

  
PAMELA J. POWELL  
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:

\_\_\_\_\_  
FRANK JÄGER  
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Closed session

ACTION:

Council did not meet in closed session.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

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PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Mayor's announcements

ACTION:

Mayor Jäger informed the Council of the process for the Fourth Ward vacancy. Applications for the Council position are available in the City Clerks office. Applicants will be interviewed by a 5 member committee selected by Mayor Jäger.

Mayor Jäger presented a proclamation for Human Rights Month.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item M/A



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Council reports / City-related travel report

ACTION:

Councilmember Madsen would like to meet with the City Manager to discuss the possibility of him staying on with the City of Eureka. Councilmember Madsen invited another Councilmember to join with him to meet with the manager regarding a future contract. Councilmember Atkins will join with Councilmember Madsen to discuss future employment.

Councilmember Newman inquired about the Jefferson School purchase and would like to see the purchase agendaed at the next meeting for discussion and possible action.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Colleen Cobert, Manila is advocating for plastic recycling and would like the City of Eureka to pass an ordinance banning plastic bags.

Lori Birdsall, McKinleyville, dressed in plastic bag, spoke as if she were a plastic bag and what the effect of the bag would be on the environment.

Beth Warner, Humboldt Baykeeper supports a city ordinance banning plastic bags.

Silas Morrison, Eureka, invites the Mayor and Council to the Action Club Christmas party. The Eureka Action meets Thursday nights in Eureka.

Lou Mourmer, Arcata and Surf Riders Club, encourages everyone to stop using plastic.

Heidi Benzonnelli, Eureka is upset at a possible delay in the City's purchase of Jefferson School.

Maurren McGary, Surfriders, supports an ordinance banning plastic bags.

Nicholas Bravo, Eureka, disagrees with those who want to ban plastic bags.

Virginia Bass, Eureka would like to meet regularly with Councilmembers to discuss City/County issues and supports City Manager, David Tyson to stay on with the City.

Richard Toleson, Eureka, welcomes the new Councilmembers and says good bye to the outgoing council.

Jack Nounan, Eureka would like the City of Eureka to request a congressional hearing regarding the Navy warfare testing off of the coast.

STATE OF CALIFORNIA     )  
County of Humboldt         ) ss.  
City of Eureka                 )

Minute Order – December 7, 2011

Page 2

Item No. Public Comment

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of October 5, 2010 as submitted.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Clerk

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Claim for damages of Krings, Richard

ACTION:

Council rejected the claim of Richard Krings

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman,  
and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Attorney

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Claim for damages of Sweet, Kevin

ACTION:

Council rejected the claim of Kevin Sweet

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman,  
and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

VACANT: FOURTH WARD

STATE OF CALIFORNIA )

County of Humboldt ) ss.

City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Attorney

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Finance Director Employment Agreement

ACTION:

Council authorized the City Manager to execute the Finance Director Employment Agreement with Paul Rodrigues.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Purchase of 9-1-1 Education Materials

ACTION:

Council accepted funds in the amount of \$3,359.25 from the State of California 9-1-1 Emergency Communications Office and approved the appropriation of funds to purchase 9-1-1 for Kids educational materials.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. Police

Agenda Item 6



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Donation of Vehicle from the Humboldt County Sheriff's Department to the City of Eureka

ACTION:

Council accepted the donation of a vehicle from the Humboldt County Sheriff's Department forfeited pursuant to a Declaration of Forfeiture date July 9, 2010 by the Drug Enforcement Administration; and  
Appropriated funds in the amount of \$2,126.05 from General Fund Reserves to reimburse the United States Marshals Office for expenses associated with the transfer of this vehicle.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. Police

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Amendment to the Transportation Development Plan Update of June 2006

ACTION:

Council adopted Resolution No. 2010-80 authorizing an Amendment to the Transportation Development Plan Update of June 2006.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. Finance

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Donation of \$1,000 from Gregory Kendrick

ACTION:

Council accepted \$1,000 donation from Gregory Kendrick to purchase electronic training equipment for children in the City of Eureka; and  
Appropriate \$982 for purchase of six SmartGlobe 3 training computers for distribution to Eureka elementary schools.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. Police

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Exception to the Hiring Freeze

ACTION:

Council approved an exception to the hiring freeze for an Accountant I/II position in the Finance Department, included in the FY 10/11 Budget.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept.    Personel

Agenda Item 10

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Amendment to Job Classification

ACTION:

Council amended the job specification of Utility Maintenance Worker class.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman,  
and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. Personnel

Agenda Item 11

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Contract Amendment to Eureka City Employees Association MOU on Health Insurance

ACTION:

Council adopted Resolution No. 2010-81 executing an amendment to the current Memorandum of Understanding between the City of Eureka and Eureka City Employees Association (ECEA) regarding health insurance premium increases, and appropriating the necessary funds.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. Personnel

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Assessments and Ordering Liens for Weed and Rubbish Removal at two properties.

ACTION:

Assistant City Manager, Mike Knight provided a report. No one from the public addressed the council regarding this subject matter.

Council considered any protests or objections to the assessments; and  
Adopted Resolution No.'s 2010-82 and 2010-83 confirming an Assessment and Ordering a Lien for Destruction or Removal of Weeds and/or Rubbish at two properties; APN 011-204-018 and APN 004-012-009.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Regulating Smoking in Indoor and Outdoor Places

ACTION:

City Manager, David Tyson provided a report. The following individuals addressed the council regarding this subject matter:

Richard Tolleson, Eureka

Lou Mourner, Chairman of the Tobacco Awareness Program

Council adopted, waived reading and read by title on Bill No 826-C.S.; Ordinance No. 760-C.S of the City of Eureka Amending Section 11, Chapter 97.01 – 97.99 of the Eureka Municipal Code to Regulate Smoking in Indoor and Outdoor Places.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

VACANT: FOURTH WARD

STATE OF CALIFORNIA )

County of Humboldt ) ss.

City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 14



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Supplemental Transaction and Use Tax

ACTION:

City Manager, David Tyson provided a report. No one from the public addressed the council regarding this subject matter.

Council waived reading, read by title only and adopted Bill No. 818-C.S, Ordinance No. 759-C.S. amending Chapter 35, Section 35.160 through 35.174 relating to the Supplemental Transaction and Use Tax to become effective April 1, 2011.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Brady, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACATN: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 15

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Appropriating Salary for Employees Deploying on Military Leave.

ACTION:

Personnel Director, Gary Bird provided a report. The following individuals addressed the council regarding this subject matter:

Ron Pierre, Eureka

Richard Tolleson, Eureka

Council adopted Resolution No. 2010-84 appropriating an additional 30 days salary to three (3) employees currently deploying on Military leave.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Atkins, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

VACANT: FOURTH WARD

STATE OF CALIFORNIA )

County of Humboldt ) ss.

City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. Personnel

Agenda Item 16

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Administrative Fines for 3415 Oregon Street

ACTION:

Assistant City Manager, Mike Knight provided a report. The following individuals addressed the council regarding this subject matter:

Chris and Cindy Pitzer

Council considered and accepted the settlement offer of \$5,500 for unpaid administrative fines for work without a building permit at 3415 Oregon Street.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. Assistant City Manager

Agenda Item 17

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Annual Election of Mayor Pro Tem

ACTION:

Mayor Frank Jager provided a report. No one from the public addressed the council regarding this subject matter.

Council nominated Lance Madsen to serve as Mayor Pro Tem for 2011

Adopted on motion by Councilmember Newman, seconded by Councilmember Brady, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. Mayor

Agenda Item 18

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- Public Safety Funding – Measure O
- Water Rate Increase information provided by Public Works Director Bruce Young
- Employee Recognition Dinner will be held on Friday, December 10, 2010
- Former City Manager Bob Stockwell is in Iraq assisting the Iraqi government in setting up a regional administrative office.

STATE OF CALIFORNIA   )  
County of Humboldt       ) ss.  
City of Eureka               )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept.   City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Adjournment

ACTION:

Without objection, the meeting was adjourned at 8:06 P.M.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

MINUTES OF  
EUREKA CITY COUNCIL  
EUREKA REDEVELOPMENT AGENCY

December 21, 2010

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:00 P.M. Closed Session, 6:00 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.


PRESIDING: MAYOR JAGER

PRESENT: BRADY, ATKINS, NEWMAN, MADSEN

ABSENT: NONE

VACANT: FOURTH WARD

MINUTES PREPARED BY:

  
PAMELA J. POWELL  
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:

\_\_\_\_\_  
FRANK JÄGER  
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Public comment prior to closed session

ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item A



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

Public Employment – City Manager

Conference with labor negotiators, agency designated representatives: Gary Bird and Rick Haeg for City of Eureka Employee organization: Eureka Firefighters' Local 652 (EFL), Eureka Fire Officers Local (EFOL)

Upon reconvening to Open Session, it was announced that there were no final actions to report.

STATE OF CALIFORNIA     )  
County of Humboldt       ) ss.  
City of Eureka             )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Invocation

ACTION:

The invocation was given by Loren Allen

STATE OF CALIFORNIA     )  
County of Humboldt        ) ss.  
City of Eureka             )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Mayor's announcements

ACTION:

Mayor Jäger announced that his committee to review the fourth ward councilmember applications has met and his appointment announcement will be forthcoming.

Item 20 on the agenda is pulled and will not be discussed.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

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PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Council reports / City-related travel report

ACTION:

Councilmember Atkins announced the Unity Community Garden will be organizing their new gardening year at 14<sup>th</sup> and California Streets.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Board/Commission reports

ACTION:

Former Councilmember Jeff Leonard reported on the Medical Cannabis Selection Committee.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item B/C

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Redevelopment Agency -- Jefferson School Acquisition 1000 B Street

ACTION:

By consensus, this item was moved up on the agenda.

Redevelopment Director, Cindy Trobitz Thomas provided a report. Councilmember Atkins requested that Heidi Benzonelli report on the neighborhood efforts regarding Jefferson School. The following individuals addressed the council regarding this subject matter:

Augustine Imarro

Frank Stewart, Eureka

Neal Litt, Eureka

Sue Brandenburg, Eureka

Lisa Ollivier, Eureka

Thomas Stewart, Eureka

Clark Green, Eureka

Lorene Dunaway, Eureka

Barbara Peters, Eureka

Melanie Kuhnelt, Eureka

Sylvia Scott, Eureka

Caorl Center, Eureka

Erik Thompson, Eureka

Marilyn Field, Eureka

Xandra Manns, Eureka

Paxton Shoen 1420 E Street, Eureka

Richard Evans, Eureka

Ruth Robertson, 1428 E Street, Eureka

Ann White, Eureka

John Ash, Eureka

Steve Sundeen, Eureka

Michael Fritsche, 1124 B Street, Eureka

Leon Sears, Eureka

Val Martinez, Executive Director RCAA

Mary Ann McCullough, Eureka Heritage Society

Tina Christensen, Fortuna

Lee Chappelle, Eureka

Lloyd Reece, Eureka

Helen L'Annunziata, Eureka

MINUTE ORDER December 21, 2010  
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Beth Wylie, Fuente Neuva Charter School  
Richard Earl Tolleson, Eureka  
Jeff Smith, Eureka

Council directed staff to postpone (with the concurrence of Eureka City Schools) the purchase of Jefferson School until a complete business project description and tenant is developed, and then return to Council for discussion and decision.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, NEWMAN, MADSEN  
NOES: ATKINS  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept.    Redevelopment

Agenda Item 17

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Recess.

ACTION:

On motion by Councilmember Atkins, seconded by Councilmember Madsen, and without objection, the council elected to take a brief recess at 9:03 P.M.

At 9:12 P.M. Council reconvened with all present.

STATE OF CALIFORNIA     )  
County of Humboldt       ) ss.  
City of Eureka             )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Public Hearing – Easement Vacations over a Portion of the Mad River Pipeline in Arcata

ACTION:

City Engineer, Kurt Gierlich provided a report.

The public hearing was opened at 9:17 P.M. The following individuals addressed the council regarding this subject matter:

Richard Tolleson, Eureka

The public hearing was closed at 9:19 P.M.

Council determined the Easements to be surplus; and determined that vacating the Easements will have a cost-neutral or positive financial benefit to the City; and Ordered the Vacation of the Easements by adopting Resolution No. 2010-85 of the City of Eureka ordering the Vacation of portions of the Mad River Waterline Easement in the City of Arcata.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Brady, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

MINUTE ORDER, December 21, 2010  
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I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept.    Engineering

Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Public Hearing – Eureka Redevelopment Agency Resolution Approving a Five Year Implementation Plan

ACTION:

Redevelopment Cindy Trobitz Thomas provided a report.

The public hearing was opened at 9:25 P.M. The following individuals addressed the council regarding this subject matter:

Richard Tolleson, Eureka

The public hearing was closed at 9:26 P.M.

Council adopted a Resolution No. 2010-10 of the Eureka Redevelopment Agency approving the Implementation Plan.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

Agenda Item\_\_2

MINUTE ORDER, December 21, 2010, 2009

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STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.    Redevelopment

Agenda Item   2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Public Hearing – Wild Planet Foods Temporary Crab Processing Facility  
Coastal Development Permit

ACTION:

Community Development Director, Sidnie Olson provided a report.

The public hearing was opened at 9:34 P.M. The following individuals addressed the council regarding this subject matter:

Bill Crevalo, Eureka  
Richard Tolleson, Eureka  
Neal Latt, Eureka

The public hearing was closed at 9:41 P.M.

Council adopted the following Findings of Fact:

1. The project site is located in the California Coastal Zone and a Coastal Development Permit is required. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit for equipment, structures, and uses on the landward side of the property. The California Coastal Commission has jurisdiction over the equipment, structures and uses on the dock and in the water. The City's final action on the Coastal Development Permit is appealable to the State Coastal Commission.
2. A Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, this project qualifies for a Class 1 exemption (Section 15301) from CEQA which exempts the minor alteration of existing public facilities, and a Class 3 exemption (Section 15303) which exempts the construction and location of new, small facilities.
3. Under the adopted Land Use Plan, the General Plan portion of the Local Coastal Program, the project site has a General Plan Land Use designation of Core Coastal-Dependent Industrial (C-CDI).

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4. The purpose of the C-CDI Land Use Designation is to reserve and protect land adjacent to Humboldt Bay for Coastal-Dependent and Coastal-Related Industrial Uses. The primary intent of this designation is to encourage fisheries-related industrial uses west of C Street.
5. The proposed project is supported by several goals and policies of the City of Eureka General Plan, including those relating to Land Use and Development, the Core Area including Concentrated Mixed-Use Core and Waterfront, Industrial Development, and Water Transportation.
6. The property has a Zoning designation of Coastal Dependent Industrial (MC). The MC zone district specifically permits "Seafood Processing" as a principally permitted use. Therefore, the proposed temporary crab processing facility is consistent with the MC Zoning Designation and the Coastal Zone Development Standards of the Implementation Plan.
7. No issues were identified by referral departments or agencies that would indicate that the project as conditioned would not be consistent with the Local Coastal Plan and Zoning regulations.

Council approved the Coastal Development Permit subject to the following Conditions of Approval:

1. A Building Permit shall be issued prior to the installation of any structures or equipment on land, or over or in the water and a Certificate of Occupancy shall be issued prior to the use of the property for crab processing purposes. This condition shall be completed to the satisfaction of the Community Development and Building Departments.
2. Cut sheets and specifications for chillers, freezer containers, and other equipment shall be submitted to the Building Department at the time of plan check submittal, and shall be reviewed and approved to the satisfaction of the Fire Department prior to approval of the Building Permit.
3. Prior to approval of a Building Permit, the applicant shall provide a copy of a "Letter of Permit Exclusion", or an approved State Coastal Development Permit from the California Coastal Commission for the installation of the water intake and discharge lines, sump pump, and any other equipment located within the jurisdiction of the State Coastal Commission. This condition shall be completed to the satisfaction of the City of Eureka Community Development Department.

MINUTE ORDER December 21, 2010

ITEM 3

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4. Prior to approval of a Building Permit, the applicant shall have the existing sheet pile walls evaluated for the surcharge load by a licensed Foundation or Structural Engineer who will also provide a written report detailing the evaluation and the results. The report shall be provided, and the condition completed, to the satisfaction of the City of Eureka Engineering Department.
5. Measures shall be included to ensure that discharge of any salt water onto any upland facilities, or against the dock and pilings will not occur, and that all discharges shall be directed toward the center of Humboldt Bay, and shall be shown on the plans submitted for plan check to the Building Department. Any necessary equipment or safeguards shall be installed prior to issuance of a temporary or final Certificate of Occupancy. This condition shall be completed to the satisfaction of the City of Eureka Engineering and Building Departments.
6. In order to prevent damage to the existing dock, the installation of the intake submersible pump and piping shall be detailed on the plans submitted for plan check to the Building Department. The location of the intake pump shall not interfere with the ability of boats to tie up, load supplies, or unload fish. This condition shall be completed to the satisfaction of the City of Eureka Engineering and Building Departments.
7. None of the proposed installations shall interfere with or damage the existing dock, piling, fender piling, boat cushions, boat ties, and/or underground utilities.
8. Since the existing AC paving was installed as a seal for any possible underground contaminants on the site, prior to issuance of a Building Permit (including a "Foundation Only" permit) the proposed foundation plans shall be reviewed and approved by the Regional Water Quality Control Board, and written verification of the review and approval from the Water Quality Control Board shall be provided to the Engineering Department to their satisfaction.
9. Prior to approval of a Building Permit, a lease agreement, including any lease payments, insurance, or other requirements, shall be executed to the satisfaction of the City of Eureka Property Manager.
10. The applicant shall at all times be in compliance with the requirements of the Certificate of Adequacy for Reception Facilities issued to Wild Planet Foods by the United States Coast Guard, expiring on October 26, 2015, to the satisfaction of the US Coast Guard.

MINUTE ORDER December 21, 2010

ITEM 3

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11. The use of refrigerant and/or other substances in the proposed operation may require submittal of a Hazardous Material Business Plan to the Humboldt County Division of Environmental Health. Written verification that any and all requirements of the County Environmental Health Division have been met shall be provided to the Community Development Department prior to approval of the Building Permit.
12. The applicant shall comply with all criteria contained in the attachment titled, "Exhibit A Department of Fish and Game Fish Screening Criteria" dated June 19, 2000, and all necessary plans, design calculations, and any additional information necessary to meet the fish screening requirements shall be submitted to the Department of Fish and Game in order to receive written approval by the Regional Manager, Bay Delta Region. A copy of the written approval shall be submitted to the Community Development Department prior to approval of the Building Permit.
13. Prior to approval of the Building Permit, the applicant shall furnish a surety bond or other surety deemed sufficient by the Director of Finance, in an amount to be determined by the City of Eureka Public Works Department, to guarantee the complete removal of the crab processing facility, including all structures and equipment, no later than July 31, 2012, unless the City Council/Redevelopment Agency approves an extension of the use beyond said date. This condition shall be completed to the satisfaction of the Finance, Public Works, and Community Development Departments.
14. Review and approval by the Design Review Committee shall be obtained to the satisfaction of the Community Development prior to the approval of a Building Permit.

Adopted on motion by Councilmember Newman, seconded by Councilmember Atkins, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD



MINUTE ORDER, December 21, 2010

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STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. Community Development

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Thomas Stewart, Eureka would like the Council to reconsider the funding of electric car docking stations.

Richard Tolleson, Eureka

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of October 19, 2010 as submitted.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman , and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Clerk

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Claim for damages of Sacramento E Waste Collection Co.

ACTION:

Council rejected the claim of Sacramento E Waste Collection Co.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman , and the following vote:

AYES: BRADY, ATKINS, NEWMAN, , MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Attorney

Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Campton Road Guardrail Bid No. 2010-04

ACTION:

Council accepted the Campton Road Guardrail construction project; and  
Authorized the filing of a "Notice of Completion" at the Office of the County Recorder.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman, and  
the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to  
be a true and correct copy of the original made in the above entitled matter by said City  
Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. Engineering

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Maintenance Paving 2010 Bid No. 2010-10

ACTION:

Council accepted Maintenance Paving 2010 construction project; and Authorized the filing of a "Notice of Completion" at the Office of the County Recorder.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman , and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. Engineering

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Supplemental Transaction and Use Tax

ACTION:

Council adopted Resolution No. 2010-88 of the City Council authorizing the City Manager to execute the necessary agreements with the State Board of Equalization for the Preparation to Administer and Operate the City's Supplemental Transaction and Use Tax Ordinance; and appropriated \$25,000 from the General Fund Reserve to pay the State Board of Equalization to prepare to administer the City's Supplemental Transaction and Use Tax.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Mayor's Appointments to Boards, Commissions and Committees.

ACTION:

Council approved the Mayor's appointment and re-appointments to the Planning Commission with following term expirations date:

Stephen Avis	January 1, 2013
Chet Albin	January 1, 2015
Mike Jones	January 1, 2015

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman, and the following vote:

AYES:	BRADY, ATKINS, NEWMAN, MADSEN
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE
VACANT:	FOURTH WARD

STATE OF CALIFORNIA	)
County of Humboldt	) ss.
City of Eureka	)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. Mayor

Agenda Item 10



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: First Quarter FY 10/11 Investment Report for the City of Eureka and Eureka Redevelopment Agency

ACTION:

Council received and filed the Quarterly Cash and Investment Report form July through September 2010 for the City of Eureka and the Eureka Redevelopment Agency.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. Finance

Agenda Item 11

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Greater Eureka Chamber of Commerce Funding Agreement

ACTION:

Item pulled from the Consent Calendar for separate discussion. Councilmember Newman recused himself from the discussion as he serves on the Chamber Board of Directors as President.

City Manager, David Tyson provided a report. The following members of the public addressed the Council on this matter:

J Hocaday, Eureka Chamber of Commerce  
Richard Tolleson, Eureka  
Neal Latt, Eureka

A motion by Councilmember Madsen, seconded by Councilmember Brady to notify the Chamber of the City's desire to extend the "Funding Agreement" between the City and the Chamber for an additional year; and Authorized payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT), not to exceed \$100,000 per the City's approved budget.

Councilmember Madsen withdrew the motion and by consensus the item was continued to the January 4, 2011 Regular meeting.

STATE OF CALIFORNIA     )  
County of Humboldt       ) ss.  
City of Eureka             )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept.   City Manager

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: 2124 E Street Emergency Roof Repair

ACTION:

Item 13 pulled by staff from the Consent Calendar for separate discussion.  
Assistant City Manager, Mike Knight provided a report. No one from the public addressed the Council regarding this item.

Council received the report.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. Assistant City Manager

Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: City Manager At Will Employment

ACTION:

Council authorized the Mayor to execute a three month extension to the City Manager's At-Will Employment Agreement.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Newman , and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 14

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: State Video Service Franchises Ordinance

ACTION:

City Manager, David Tyson provided a report along with Sean McLaughlin of Access Humboldt. No one from the public addressed the council regarding this subject matter.

Council waived reading, read by title only, and introduced Bill No. 831-C.S. adding Sections 114.57-114.64 (State Video Service Franchises) to Chapter 114 of Title XI of the Eureka Municipal Code, which implements the provisions of the Digital Infrastructure and Video Competition Act of 2006, codified in the California Public Utilities Code Section 58000 ET SEQ., which the City is required to administer and enforce throughout the City.

Adopted on motion by Councilmember Newman, seconded by Councilmember Atkins , and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 15

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: 2010 California Building Standards Code

ACTION: Assistant City Manager, Mike Knight and Building Official, Brian Gerving provided a report. The following individuals addressed the council regarding this subject matter: Richard Tolleson, Eureka

Council waived reading, read by title only, and introduced Bill No. 832-C.S, an ordinance amending Title XV, Chapter 150, Building Regulations, repealing Section 150.015 through 150.025 and replacing with new section 150.015 through 150.029, adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices and amendments; and adopted Resolutions No. 2010-86 and 2010-87 of the City Council of the City of Eureka setting forth express findings that amendments to the building standards contained in California Code of Regulation (CCR), Title 24 are necessary because of local climatic, geological or topographical conditions.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Brady, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. Assistant City Manager

Agenda Item 16

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Appointment of Council representative on City and Regional Boards

ACTION:

Mayor Jager provided a report. No one from the public addressed the Council regarding this subject matter.

By consensus Council appointed the following members as liaisons to City Boards and Commissions and members to Regional JPA's

**MAYOR FRANK JAGER**

Humboldt County Assoc. of Govts. (HCAOG) (12/21/10)

(Mayor or Mayor's designee, per by-laws)

Personnel Board (2010)

**COUNCILMEMBER WARD 1 – MARIAN BRADY**

Eureka Main Street Board

Open Space Parks and Recreation Commission Council Liaison **Alternate**

Redwood Coast Energy Authority JPA **Alternate**

Sequoia Park Zoo Foundation – Council Liaison

**COUNCILMEMBER WARD 2 – LINDA ATKINS**

Humboldt/Del Norte Hazardous Materials Response Authority, **Alternate**

Humboldt Transit Authority

Redwood Coast Energy Authority JPA

Humboldt County Assoc. of Govts. (HCAOG) **3<sup>rd</sup> Alternate**

**COUNCILMEMBER WARD 3 – MIKE NEWMAN**

Redevelopment Advisory Board – Council Liaison **Alternate**

Sequoia Park Zoo Foundation – Council Liaison **Alternate**

Sub-committee to meet with County officials regarding County/City Issues

Redwood Region Economic Development Board (RREDC)

Finance Advisory Committee - Council Liaison

Eureka Main Street Board – Council Liaison **Alternate**

**COUNCILMEMBER WARD 4 VACANT**

Humboldt Transit Authority **Alternate**

Housing Advisory Board – Council Liaison **Alternate**

Redwood Region Economic Development Board (RREDC)

Finance Advisory Committee – Council Liaison **Alternate**

Sub-Committee to meet with County officials regarding County/City Issues **Alternate**

Transportation Safety Commission – Council Liaison

Open Space, Parks and Recreation Committee – Council Liaison

Humboldt/Del Norte Hazardous Materials Response Authority

**COUNCIL MEMBER WARD 5 - LANCE MADSEN**

Humboldt County Assoc. of Govts. (HCAOG) - Alternate

Redevelopment Advisory Board- Council Liaison

Transportation Safety Commission – Council Liaison **Alternate**

Sub-committee to meet with County officials regarding County/City Issues (appointed 12/21/2010)

Personnel Board - Council Liaison **Alternate**

Housing Advisory Board - Council Liaison

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Spending Plan for Measure "O" Funds

ACTION:

City Manager, David Tyson provided a report. No one from the public addressed the council regarding this subject matter.

Council created a special revenue fund for the purpose of tracking the Supplemental Transaction and Use funds; and  
Revised the Fiscal Year 2010/11 Budget to include an estimated revenue of \$800,000 from the Supplemental Transaction and Use Tax; and  
Appropriated \$607,000 from the new Supplemental Transaction and Use Fund to fund the Initial Spending Plan for Measure "O" Funds as included in the agenda packet.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE  
VACANT: FOURTH WARD

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item 19

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: California Coast Commission Nomination Support Letter

ACTION:

This item was pulled from the agenda and not discussed.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item 20

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Congressional Hearing Request

ACTION:

Councilmember Atkins provided a report. The following individuals addressed the council regarding this subject matter:  
Jack Nounan, Eureka

Motion by Councilmember Atkins to approve a "letter of request" from the Eureka City Council to Congressman Mike Thompson requesting a Congressional Hearing regarding the Navy Warfare Exercises in the Pacific Ocean, motion died for lack of a second.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item 21

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson did not provide a report due to the late hour.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 21, 2010.

SUBJECT: Adjournment

ACTION:

By consensus, and without objection, the meeting was adjourned at 10:59 P.M.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

MINUTES OF  
EUREKA CITY COUNCIL  
EUREKA REDEVELOPMENT AGENCY

December 7, 2010

The City Council/Redevelopment Agency of the City of Eureka met in SPECIAL Session on the above date, 5:00 P.M. Closed Session, 6:00 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: ATKINS, LEONARD, JÄGER, JONES

ABSENT: GLASS

MINUTES PREPARED BY:

  
PAMELA J. POWELL  
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:

\_\_\_\_\_  
FRANK JÄGER  
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Resolutions Declaring Canvass of Returns and Results of General  
Municipal Election Tuesday, November 2, 2010.

ACTION:

City Clerk, Pam Powell provided a report. The following individuals addressed the council  
regarding this subject matter:

Mark Matteoli, Eureka  
Jimmy Smith, Eureka

Council adopted Resolution 2010-76 accepting the Canvass of Returns and declaring the  
results of the General Municipal Election held in the City of Eureka on Tuesday, November  
2, 2010 for the purpose of electing certain municipal officers; and  
Adopted Resolution 2010-77 accepting Canvass of Returns and declaring the results of the  
General Municipal Election held in the City of Eureka, on Tuesday, November 2, 2010 for  
the purpose of submitting to the electors of the City of Eureka ballot measure N relating to  
the Marina Center Local Coastal Program amendment; and  
Adopted Resolution 2010-78 accepting the Canvass of Returns and declaring the results of  
the General Municipal Election held in the City of Eureka, on Tuesday, November 2, 2010  
for the purpose of submitting to the electors of the City of Eureka relating to a supplemental  
transaction and use tax; and  
Adopted Resolution 2010-79 accepting the Canvass of Returns and declaring the results of  
the General Municipal Election held in the City of Eureka, on Tuesday, November 2, 2010  
for the purpose of submitting to the electors of the City of Eureka relating to the charter of  
the City of Eureka.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Jones, and  
the following vote:

AYES: ATKINS, LEONARD, JÄGER, JONES  
NOES: GLASS  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

MINUTE ORDER Item 1  
PAGE 2  
December 7, 2010

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 24, 2011.

---

PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Clerk

Agenda Item 1



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Installation of Officers and Oath of Office

ACTION:

Mayor Virginia Bass administered the Oath of Office to incoming Mayor Frank Jager.

Mayor Frank Jager administered the Oath of Office to:

Marian Brady, Ward 1  
Mike L. Newman, Ward 3  
Lance Madsen, Ward 5

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on January 24, 2011.

\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of December 7, 2010.

SUBJECT: Adjournment

ACTION:

Without objection, the meeting was adjourned at 5:42 P.M.

STATE OF CALIFORNIA     )  
County of Humboldt        ) ss.  
City of Eureka             )

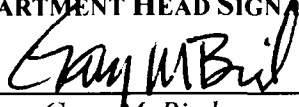
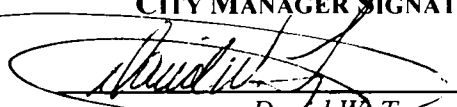
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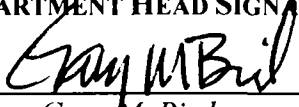
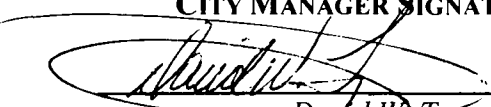
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PAMELA J. POWELL  
CITY CLERK

EUREKA CITY COUNCIL  
**AGENDA SUMMARY**

<b>RE: REQUEST FOR EXCEPTION TO THE HIRING FREEZE</b>	<b>FOR AGENDA DATE: FEBRUARY 1, 2011</b>  <b>AGENDA ITEM NO.:</b> 4	
<b>RECOMMENDATION:</b>  1. Approve an exception to the hiring freeze for a Harbor Operations Technician I/II position.		
<b>SUMMARY:</b>  With the adoption of the FY 03/04 budget, the City Council authorized a hiring freeze for all non-public safety positions. Any exceptions to the hiring freeze must be approved by the Council.  Due to the recent retirement of the regular full-time Harbor Operations Technician I/II employee, the Public Works Department requests authorization to fill the position of a Harbor Operations Technician I/II. The employee's retirement date was effective January 14, 2011.  This position is necessary to provide maintenance, repair and operation of the Eureka Public Marina and related city waterfront facilities and systems, and includes Harbor operations customer service activities, facilities rentals, boat berth assignments, fee intake and contract monitoring. This position is already included in the FY 10/11 budget, and <u>is paid out of the Harbor Fund, not the General Fund.</u>  The Public Works Department requests Council determine whether to exempt this position from the hiring freeze and authorize it to be filled.		
<b>FISCAL IMPACT:</b> The cost of filling this position at Harbor Operations Technician I, Step 3 salary rate is \$52,897 annually. The cost of filling this position at Harbor Operations Technician II, Step 3 salary rate is \$56,659 annually. This position is already included in the FY 10/11 budget, and <u>is paid out of the Harbor Fund, not the General Fund.</u>		
<b>DEPARTMENT HEAD SIGNATURE:</b>   _____ Gary M. Bird Personnel Director	<b>CITY MANAGER SIGNATURE:</b>   _____ David W. Tyson City Manager	
<b>REVIEWED BY:</b> Public Works Finance	<b>DATE:</b> 1/27/2011 1/27/2011	<b>INITIALS:</b> By/KZ PR/SZ
<b>Council Action:</b>  Ordinance No. _____ Resolution No. _____		

EUREKA CITY COUNCIL  
**AGENDA SUMMARY**

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<b>DEPARTMENT HEAD SIGNATURE:</b>   _____ Gary M. Bird Personnel Director	<b>CITY MANAGER SIGNATURE:</b>   _____ David W. Tyson City Manager	
<b>REVIEWED BY:</b> Public Works Finance	<b>DATE:</b> 1/27/2011 1/27/2011	<b>INITIALS:</b> BJ/KZ PK/SZ
<b>Council Action:</b>  Ordinance No. _____ Resolution No. _____		

**AGENDA SUMMARY****RE: RHODODENDRON PARADE****FOR AGENDA DATE: FEBRUARY 2, 2011****AGENDA ITEM NO.:**

6

**RECOMMENDATION:**

Sponsor Rhododendron Parade coordinated by Eureka Old Town Rotary.

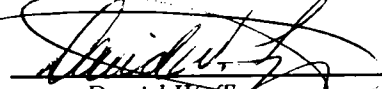
**SUMMARY:**

The Rhododendron Parade will be held Saturday, April 30, 2011. The parade will traverse through Eureka beginning at 7<sup>th</sup> & E Streets and ending at the Eureka Mall. Staff will be involved with the parade providing traffic control and other services as needed. By sponsoring the parade, insurance requirements would be waived.

Staff recommends sponsorship of the Eureka Rhododendron Parade.

**FISCAL IMPACT:**

None with this action.

**CITY MANAGER SIGNATURE:**  
David W. Tyson  
City Manager**REVIEWED BY:**

City Attorney

**DATE:**

\_\_\_\_\_

**INITIALS:**

\_\_\_\_\_

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**AGENDA SUMMARY****RE: CITY MANAGER AT-WILL EMPLOYMENT****FOR AGENDA DATE: FEB. 1, 2011****AGENDA ITEM NO.:**

7

**RECOMMENDATION:**

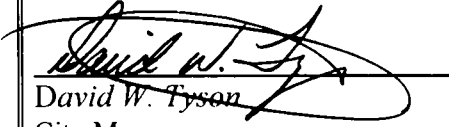
Authorize the Mayor to execute the City Manager At-Will Employment Agreement with David W. Tyson through December 31, 2012.

**SUMMARY:**

Section 600 of the City's Charter establishes the office of the City Manager and delineates the duties of the City Manager. The attached contract, which has been negotiated at the direction of the City Council, provides the conditions of continued employment and employment relationship of the City Manager through December 31, 2012.

**FISCAL IMPACT:** An annual base salary of \$157,000. ***This would result in no annual increase to the City Manager's total compensation/benefit package.*** The two-year extension of the City Manager's contract would also allow the City Council to save the \$23,500 budgeted for the Executive Search firm. The City has realized approximately \$37,500 in savings since July 1, 2009 from the reductions to his prior contract. Checking with the executive search firm hired to perform the City's City Manager recruitment they would have recommended the position be advertised between \$150,000 and \$160,000 depending on the candidate's experience.

**CITY MANAGER SIGNATURE:**

  
 David W. Tyson  
 City Manager

**REVIEWED BY:****DATE:****INITIALS:**

City Attorney

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

## **CITY MANAGER AT-WILL EMPLOYMENT AGREEMENT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT, made and entered into this first day of January of 2011, by and between the CITY OF EUREKA, State of California, a municipal corporation, (hereinafter "Employer"), and DAVID W. TYSON, (hereinafter "Employee") both of whom understands as follows:

### **WITNESSES:**

WHEREAS, the Charter of the City of Eureka, Section 600 and following establish the Office of the City Manager, and delineates the duties thereof; and

WHEREAS, Employer desires to continue the services of said DAVID W. TYSON to perform the duties of the Office of the City Manager of the City of Eureka, as provided by the City of Eureka Charter; and

WHEREAS, it is the desire of the Eureka City Council, to provide certain benefits, to establish certain conditions of employment, and to set working conditions of said Employee; and

WHEREAS, it is the desire of the parties to establish certain conditions of employment and to set forth the working conditions of the Employee within the framework of an at-will employment relationship; and

WHEREAS, it is the intention of the parties to fully comply with the provisions of the Charter of the City of Eureka and its municipal code;

WHEREAS, the parties acknowledge that Employee is a member of the International City/County Management Association (ICMA) and that Employee is subject to the ICMA Code of Ethics.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

### **Section 1: DUTIES**

Employer hereby agrees to employ said Employee as City Manager of said Employer to perform the functions and duties of City Manager as set forth in the Eureka Charter, Municipal Code, resolutions, ordinances, and/or other regulations of the City, and to perform other legally permissible and property duties and functions as the City Council shall from time-to-time assign.

## **Section 2: TERM**

- A. Employee agrees to remain in the exclusive employ of Employer until December 31, 2012 ("Termination Date"), and neither to accept other employment nor to become employed by any other employer until said termination date, unless said termination date is affected as hereinafter provided. Employee may engage in outside consultation with the prior and continuing approval of the City Council and to the extent that such outside consultation does not interfere with the duties and responsibilities set forth in this Employment Agreement. It is specifically understood and agreed that any outside consultation is to be secondary to this employment by the City of Eureka and shall not conflict or interfere in any way with the full-time nature of this City employment.
- B. In the event written notice is not given by either party to this agreement to the other by October 1<sup>st</sup> prior to the Termination Date as herein above provided, this agreement shall be extended on the same terms and conditions as herein provided or as may have been subsequently amended, all for an additional period of one (1) year. Said agreement shall continue thereafter for one-year period unless either party hereto gives written notice by October 1<sup>st</sup> prior to the Termination Date. If such notice of non-renewal is given by the Employer, Employee shall complete the remaining balance of that year of service, and he shall be entitled to the severance pay described in Section 3 hereof.
- C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section 3, paragraphs A, B and C, of this agreement.
- D. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from his position with Employer, subject only to the provision set forth in Section 4 of this agreement.

## **Section 3: TERMINATION AND SEVERANCE PAY**

- A. This Agreement shall terminate upon the occurrence of any of the following events:
  - 1. Upon thirty (30) days notice given to the Employer by the Employee; or
  - 2. Upon the death of the Employee; or
  - 3. Upon the effective date of retirement from the Employer's service pursuant to CalPERS; or
  - 4. By motion carried by three (3) affirmative votes of the City Council (Mayor may not participate in the vote) of the City, with or without cause.



Notwithstanding the provisions of Section 3.A.4, above, Employee may not be terminated (excepting a termination for cause) for a period of six (6) months following a municipal election wherein (a) new Council Member(s) is/are seated, to enable such new Council Member(s) adequate time to assess Employee's performance. "Termination for Cause" shall include:

1. Willful breach of the Agreement as interpreted pursuant to Labor Code Section 2924.
2. Habitual neglect of the duties required to be performed as City Manager as interpreted pursuant to Labor Code 2924.
3. Any acts of dishonesty, fraud, misrepresentation or other acts of moral turpitude.
4. Conviction of any act which would constitute a crime, whether misdemeanor or felony, and which would bring disrespect to the Office of City Manager or the Employer.
5. Willful violations of Employer policies of a serious nature, including for example, Employer's Sexual Harassment or "Drugs in the Work Place" policies.

- B. In the event Employee is terminated before the expiration of the aforesaid term of employment, or in the event the Employee's at-will employment agreement is not renewed pursuant to Section 2.B. of this Agreement, then in that event Employer agrees to pay Employee a lump sum cash severance payment equal to the total of the Employee's then current aggregate salary, benefits, and deferred compensation that he would have been entitled to receive for a period of six (6) months under the terms of this Agreement. Employee shall also be compensated for all earned vacation, holidays, sick leave and other accrued benefits to date.

In the event Employee is terminated for cause or conviction, then, in that event, Employer shall have no obligation to pay the aggregate severance sum designated in the above paragraph.

- C. In the event Employer at any time during the term of this agreement reduces the salary or other financial benefits of Employee in a greater percentage than an applicable across-the-board reduction for all employees of Employer, or in the event Employer refuses, following written notice, to comply with any other provision benefitting Employee herein, or the Employee resigns following a suggestion, whether formal or informal, by the Council that he resign, then in

that event the Employee may, at his option, be deemed to be terminated at the date of such reduction or such refusal to comply within the meaning and context of the herein severance pay provision.

#### **Section 4: RESIGNATION**

In the event Employee voluntarily resigns his position with Employer before expiration of the aforesaid term of the employment, then Employee shall give Employer a thirty-day (30) notice in advance, unless the parties agree otherwise.

#### **Section 5: COMPENSATION**

Employer agrees to pay Employee for his services rendered pursuant hereto an initial annual base salary of \$157,000 payable in installments at the same time as other Unrepresented Employees of the Employer are paid. In addition, Employer agrees to increase said salary and/or benefits in such amounts and to such extent as the Council may determine that it is desirable to do so based on periodic salary review. Said reviews will be conducted on an annual basis on the Anniversary Date of the Agreement (December 31<sup>st</sup>).

Except as hereinafter provided, Employee shall receive such other and further benefits as are accorded other Unrepresented Employees of the Employer, including, but not limited to, cost of living adjustments, holidays, sick and bereavement leaves, and management leave days.

#### **Section 6: PERFORMANCE EVALUATION**

- A. The Council shall review and evaluate the performance of the Employee at least once annually on the anniversary date established. Said review and evaluation shall be in accordance with specific criteria developed jointly by Employer and Employee. Said criteria may be added to or deleted from as the Council may from time to time determine, in consultation with the Employee. Further, the City Council shall provide the Employee with a summary written statement of the finding of the City Council and provide an adequate opportunity for the Employee to discuss his evaluation with the City Council.
- B. Annually, the City Council and Employee shall define such goals and performance objectives that they determine necessary for the proper operation of the City of Eureka and in the attainment of the City Council's policy objectives, and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They

shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

- C. In effecting the provisions of this Section, the City Council and Employee mutually agree to abide by the provisions of applicable law.

### **Section 7: EQUIPMENT**

Employer shall provide at Employer's cost all office, computing, and communications equipment (including cellular phone), furniture, and fixtures necessary and convenient to carry out the terms of this Agreement. Such equipment, furniture and fixtures shall be deemed the property of the Employer.

### **Section 8: AUTOMOBILE**

Employee's duties require that he shall have the exclusive and unrestricted use at all times during his employment with the City of an automobile. Should the Employer not provide said vehicle, Employee will furnish his own personal vehicle for which the Employer shall provide a monthly allowance of Three Hundred Fifty Dollars (\$350).

### **Section 9: VACATION, SICK, AND MANAGEMENT LEAVE**

- A. The Employee shall utilize and accrue, and have credited and removed from his personal account, vacation, holidays (including personal holidays), and sick leave at the same rate and on the same basis as other Unrepresented Employees of the City. In the event of the termination or CalPERS retirement or expiration of this Agreement, the Employee shall be entitled to payment of all leave balances (including vacation, floating holiday, management leave and sick leave) in accordance of this Agreement.
- B. Employee shall be given the same holidays as other Unrepresented Employees of the City.
- C. Employee shall receive 72 hours of management leave per year in recognition of the time Employee must work outside normal office hours.

### **Section 10: DISABILITY AND LIFE INSURANCE**

- A. The Employer agrees to provide the Employee life insurance, workers compensation, and short-term disability coverage to the Employee on the same basis as other Unrepresented Employees of the City, and to pay all premiums thereon.

- B. Employer's Medicare contribution of 1.45% is matched by an Employee contribution of 1.45% of Employee's salary for mandated Medicare coverage.

### **Section 11: RETIREMENT**

Employer agrees to pay the Employer's cost, excluding the Employee's share, into the California Public Employees' Retirement System (CalPERS 2.7% at 55 formulas) for the benefit of the Employee.

### **Section 12: DUES AND SUBSCRIPTIONS**

Employer agrees, to the extent it is financially able and with City Council approval, to budget for and to pay for professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the Employer.

### **Section 13: PROFESSIONAL DEVELOPMENT**

- A. Employer hereby agrees, to the extent it is financially able and with City Council approval, to budget for and to pay for travel and subsistence expenses of Employee for professional and office travel, meetings, and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official functions for Employer, including but not limited to the ICMA Annual Conference, the state league of municipalities, and such other national, regional, state, and local governmental groups and committees thereof which Employee serves as a member.
- B. Employer also agrees, to the extent it is financially able, to budget for and to pay for travel and subsistence expense of Employee for short courses, institutes, and seminars that are necessary for his professional development and for the good of the Employer.

### **Section 14: INDEMNIFICATION**

In addition to that required under state and local law, Employer shall defend, save harmless, indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employees duties as City Manager. Employer will compromise and settle any such claims or disputes and pay the amount of any settlement or judgment rendered thereon.

### **Section 15: BONDING**

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

### **Section 16: OTHER TERMS AND CONDITIONS OF EMPLOYMENT**

- A. The Council, in consultation with the City Manager, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City of Eureka Charter and Municipal Code or any other law.
- B. All provisions of the City of Eureka Charter and Municipal Code, regulations and rules of the Employer relating to vacation and sick leave, retirement and pension system contributions, holidays and other benefits and working conditions as they now exist or hereafter may be amended also shall apply to Employee as they would to other employees of the Employer, in addition to said benefits enumerated specifically for the benefit of the Employee except as herein provided.

### **Section 17: NOTICES**

Notices pursuant to this agreement shall be given by deposit in the custody of the United States Postal Service postage prepaid, addressed as follows:

- (1) EMPLOYER: City of Eureka, 531 K Street, Eureka; California 95501
- (2) EMPLOYEE: David W. Tyson

Alternately, notices required pursuant to this agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course transmission in the United States Postal Service.

### **Section 18: GENERAL PROVISIONS**

- A. The terms herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee and may only be amended by the mutual written agreement of the parties.

- C. This agreement shall become effective commencing January 1, 2011. The "Anniversary Date" of this Agreement shall be December 31st.
- D. If any section or any portion thereof, contained in this agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
- E. Employer and Employee agree that they will, at all times, assist each other in defending any litigation involving the City, or Employee's duties with the City, and Employer agrees to defend Employee against any claim or action against him for an injury arising out of an act or omission occurring within the scope of his employment. The parties shall each comply with the requirements of Section 825 of the Government Code or its successor, in implementing this paragraph.
- F. Should any litigation occur regarding the interpretation of this Agreement, the prevailing party shall, in addition to damages, be entitled to recover reasonable attorney's fees and costs.

\* \* \* \* \*

IN WITNESS WHEREOF, the City of Eureka has caused this agreement to be signed and executed its behalf by its Mayor, and duly attested by its City Clerk, and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

---

Frank Jager, Mayor  
City of Eureka  
State of California

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David W. Tyson  
Employee

ATTEST:

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Pam Powell, City Clerk

**AGENDA SUMMARY****RE: TWELVE MINUTE PARKING TIME LIMIT ON  
EAST SIDE OF "F" STREET SOUTH OF SECOND STREET****FOR AGENDA DATE: FEBRUARY 1, 2011****AGENDA ITEM No.:**

8

**RECOMMENDATION:**

Council adopt resolution establishing a 12-minute parking zone on the east side of "F" Street south of Second Street

**SUMMARY:**

Section 72.025 of the Eureka Municipal Code: "TWELVE\_MINUTE PARKING

(A) A green curb marking shall mean no standing or parking for a period of time longer than 12 minutes at any time between the hours of 9:00 a.m. and 6:00 p.m. on any day except Saturdays, Sundays and holidays as defined in § 72.051 of this chapter.

(B) When authorized signs, parking meters, or curb markings have been determined by the Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park such vehicle adjacent to any such legible curb marking, sign, or parking meter in violation thereof.."

Separate resolutions have been used by the Eureka City Council in the past to establish or amend time limit zones.

At their regular meeting of January 13, 2011, the members of the Eureka Parking Place Commission voted unanimously to recommend that one parking space along the east side of "F" Street south of Second Street be designated as a 12-minute parking space.

*Continued on Page 2*

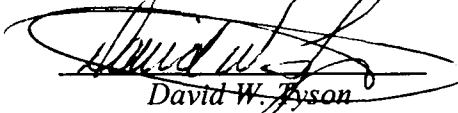
**FISCAL IMPACT:**

The installation of a 12-minute parking limit sign and painting of a 20' green zone will be accomplished within the existing Public Works budget. Approximate cost for painting and signing should be less than \$200.00.

**DEPARTMENT HEAD SIGNATURE:**


Mike Knight

Assistant City Manager

**CITY MANAGER SIGNATURE:**


David W. Tyson

City Manager

**REVIEWED BY:**

City Attorney  
Finance  
Public Works

**DATE:**

1/26/11  
1/27/11

**INITIALS:**

PLR  
BY

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_



<b>RE: TWELVE MINUTE PARKING TIME LIMIT ON EAST SIDE OF "F" STREET SOUTH OF SECOND STREET</b>	<b>FOR AGENDA DATE: FEBRUARY 1, 2011</b> <b>AGENDA ITEM NO.:</b> <i>Page 2</i>
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**SUMMARY** *(continued)*

This recommendation was made at the request of Gail Mentink and Kellen Moore, owners of Old Town Coffee and Chocolates and Bon Boniere Ice Cream, located at 211 and 215 "F" Street. The green zone will allow greater parking turnover at this location.

Attached for Council's consideration is a resolution creating one 12-minute parking zone along the east side of "F" Street south of 2<sup>nd</sup> Street, along with an excerpt from the January 13, 2011, Parking Place Commission minutes.

**PARKING PLACE COMMISSION  
MINUTES OF January 13, 2011  
Council Chambers, EUREKA CITY HALL**

**VI. New Business**

- 2. Request for 22' green zone (12 minute parking) on the east side of F Street south of 2<sup>nd</sup> Street by Gail Mentink (Old Town Coffee & Chocolates) and Kellen Moore (Bon Boniere Ice Cream) Business owners. See attached.**

Assistant Chair Miraie reads the request as written. Cathy Clunkner the other owner of Old Town Coffee & Chocolates says that the biggest complaint of people not coming into Old Town to shop is due to parking. Commissioner Katz comments that this request seems fair since Ramone's close by has the same kind of green zone in front of them.

Commissioner Schneider asks staff about letters that would have been sent to surrounding businesses and residents. Staff reports that no response from the notices was received. Commissioner Miraie moves to approve motion, Commissioner Schneider seconds request. Motion approved unanimously.

**RESOLUTION NO.**

**RESOLUTION OF THE COUNCIL OF THE CITY OF EUREKA  
CREATING ONE 12-MINUTE PARKING ZONE ON THE  
EAST SIDE OF "F" STREET SOUTH OF SECOND STREET.**

**BE IT RESOLVED** by the Council of the City of Eureka that the parking of vehicles on the east side of "F" Street, 60 to 80 feet west of Second Street be limited to 12 minutes.

The twelve (12) minute parking limit will be effective between the hours of 9:00 a.m. and 6:00 p.m. of every day; Saturdays, Sundays and holidays excepted, when signs are posted giving notice thereof.

**PASSED, APPROVED AND ADOPTED** by the Council of the City of Eureka, County of Humboldt, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES: COUNCIL MEMBERS  
NOES: COUNCIL MEMBERS  
ABSENT: COUNCIL MEMBERS

ATTEST:

\_\_\_\_\_  
Pam Powell, City Clerk

\_\_\_\_\_  
MAYOR OF THE CITY OF EUREKA  
Frank Jager

APPROVED AS TO FORM:

\_\_\_\_\_  
William Bragg, City Attorney

APPROVED AS TO ADMINISTRATION:

\_\_\_\_\_  
David W. Tyson, City Manager

**AGENDA SUMMARY****RE: HARRIS AND CENTRAL TRAFFIC SIGNAL  
PROJECT – Bid No. 2009-17****FOR AGENDA DATE: FEBRUARY 1, 2011****AGENDA ITEM NO.:**

9

**RECOMMENDATION:**

1. Accept Harris and Central Traffic Signal construction project.
2. Authorize the filing of a "Notice of Completion" at the Office of the County Recorder.

**SUMMARY:**

Proposition 1B funds were utilized for the Harris and Central Traffic Signal project which included installing new traffic signal poles and equipment along with ADA improvements at this intersection. This project was brought before Council on July 6, 2010, and awarded to Heaps Electric Co. for the construction bid amount of \$110,995 plus contingency of \$22,199 for a total budget of \$133,194. During the course of the project, three change orders were executed; one to adjust contract quantity for removal and replacement of sidewalk, another for ADA improvements on the northeast corner of the intersection, and the third for upgrading to audible pedestrian signals. The total construction cost for this project was \$ 120,625.83.

Staff has determined that the work specified in the contract has been completed in substantial conformance with the Plans and Specifications. Therefore, staff recommends that Council accept this project and authorize the filing of a "Notice of Completion" at the Office of the County Recorder.

Prepared by: Sheila Parrott, Project Manager *RP*

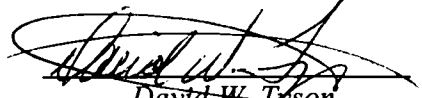
**FISCAL IMPACT:**

Expenditures: \$120,625.83 from account 227-47000-7252 PJ 452-227 (Proposition 1B) – in budget.

**DEPARTMENT HEAD SIGNATURE:**

  
Mike Knight  
Assistant City Manager

**CITY MANAGER SIGNATURE:**

  
David W. Tyson  
City Manager

**REVIEWED BY:**

City Attorney  
Finance  
Public Works

**DATE:**

1/25/11  
1/25/11

**INITIALS:**

PLR  
BY

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**AGENDA SUMMARY**

**RE:** Sequoia Park Zoo Prop 84 Nature Education  
Facilities Grant: "Watershed Heroes"

**FOR AGENDA DATE:** FEBRUARY 1, 2011

**AGENDA ITEM NO.:** 10

**RECOMMENDATION:**

Adopt Resolution and Sequoia Park Zoo Foundation/City of Eureka Implementation Agreement to meet requirements of the California State Parks and Recreation Proposition 84 Nature Education Facilities Grant for Sequoia Park Zoo called "Watershed Heroes: Super Salmon, Awesome Otter and Epic Eagle."

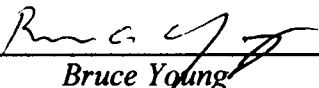
**SUMMARY:**

As part of the Facility Master Plan implementation, the Zoo Foundation in collaboration with Zoo staff recently wrote a \$2.3 million grant to build three new exhibits and a water lab classroom. The project is called Watershed Heroes, and will feature live and interactive River otter, salmonid and Bald eagle exhibits, as well as interpretive displays about the Humboldt Bay watershed.

*Continued page 2*

**FISCAL IMPACT:** Operation and maintenance of the completed exhibits will be funded through the Zoo Division's budget via the General Fund. However, no additional keeper staff will be required to maintain these exhibits; operational expenses such as animal food, utilities, equipment maintenance will be cost neutral, offset by increased revenue from gate attendance.

**DEPARTMENT HEAD SIGNATURE:**

  
Bruce Young  
Public Works Director

**CITY MANAGER SIGNATURE:**

  
David W. Tyson  
City Manager

**REVIEWED BY:**

City Attorney

Finance

Asst. City Manager

**DATE:**

1-27-11

1-27-11

**INITIALS:**

PLR

mk

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**RE: Sequoia Park Zoo Prop 84 Nature Education  
Facilities Grant: "Watershed Heroes"**

**FOR AGENDA DATE: FEBRUARY 1, 2011**  
**AGENDA ITEM NO.:**  
*Page 2*

**SUMMARY** *(continued)*

The City of Eureka has a formal agreement with the Sequoia Park Zoo Foundation wherein the Foundation is authorized to seek funding and to build capital improvement facilities at the Zoo. This Agreement stipulates in **Section 3.C (e)** that upon completion, the Foundation donates such capital improvement projects to the City of Eureka, which accepts responsibility for operation and maintenance. Recent improvements to the Zoo achieved in this manner include the Barnyard, the Entry Pavilion, the Aviary renovation, Bill's Garden, and the Red panda exhibit.

As part of the grant process, the State requires an Authorizing Resolution and Implementation Agreement, both of which declare that the City, as owner of the property, agrees to accept the donation upon completion of the project, and provides for the land tenure that allows the Foundation to operate on Zoo property. If this grant is awarded, the City agrees to operate and maintain the project for eight years.

Authorization of the Resolution and Agreement will move the grant application process forward for final consideration by the State.

Staff recommends Council approve the Resolution and Sequoia Park Zoo Foundation/City of Eureka Implementation Agreement to meet requirements of the California State Parks and Recreation Proposition 84 Nature Education Facilities Grant for Sequoia Park Zoo called "*Watershed Heroes: Super Salmon, Awesome Otter and Epic Eagle.*"

**Attachments:**

Resolution  
Agreement

**RESOLUTION NO. 2011-\_\_\_\_\_**

**RESOLUTION OF THE  
CITY COUNCIL OF THE CITY OF EUREKA  
APPROVING THE APPLICATION FOR  
NATURE EDUCATION FACILITY PROGRAM FUNDS  
SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL,  
RIVER AND COASTAL PROTECTION BOND ACT OF 2006**

**WHEREAS**, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Nature Education Facilities Program, setting up necessary procedures governing the Application; and

**WHEAREAS**, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

**WHEAREAS**, the applicant will enter into a contract with the State of California to complete the project;

**NOW, THEREFORE, BE IT RESOLVED** that the Eureka City Council hereby approves the filing of an application for the Watershed Heroes Project, and

1. Certifies its intent to accept the grant contract obligations upon the State's approval of its transfer and the Sequoia Park Zoo Foundation's successful completion of the development project, should the grant be awarded; and
2. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project should this grant be awarded; and
3. Certifies that the applicant has or will have sufficient funds to operate and maintain the project; and
4. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
5. Certifies that this project is consistent with the applicable city or county, or appropriate planning document, as the case may be; and
6. Delegates the authority to Sequoia Park Zoo Foundation Development Director to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the project; and
7. Agrees to comply with all applicable federal, state, and local laws, ordinances, rules, regulations and guidelines.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Eureka in the County of Humboldt, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS

\_\_\_\_\_  
Frank Jager, Mayor of the City of Eureka

Attest:

\_\_\_\_\_  
Pamela Powell, City Clerk

Approved as to Administration:

\_\_\_\_\_  
David W. Tyson, City Manager

Approved as to Form:

\_\_\_\_\_  
William Bragg, Interim City Attorney

**IMPLEMENTATION AGREEMENT BETWEEN  
THE CITY OF EUREKA AND  
THE SEQUOIA PARK ZOO FOUNDATION  
FOR THE BENEFIT AND SUPPORT OF  
THE SEQUOIA PARK ZOO**

THIS AGREEMENT, made and entered into the \_\_\_\_ day of \_\_\_\_\_ 2011, by and between the City of Eureka, a charter city and municipal corporation duly organized and existing under the Constitution and law of the State of California, hereinafter referred to as "CITY" and Sequoia Park Zoo Foundation, a California non-profit public benefit corporation, hereinafter referred to as "FOUNDATION."

**W I T N E S S E T H**

**WHEREAS**, CITY owns and operates for the public benefit the Sequoia Park Zoo, hereinafter referred to as "ZOO"; and

**WHEREAS**, FOUNDATION is a California non-profit public benefit corporation with tax-exempt charitable status pursuant to Internal Revenue Code Section 501 (c) (3) and is organized for the purpose of supporting the ZOO through charitable fund-raising; and

**WHEREAS**, it is the desire of both the CITY and the FOUNDATION to mutually agree and cooperate to develop the Sequoia Park Zoo for the benefit of the visitors served, to care responsibly for the animals entrusted to the CITY's care, to promote conservation action, and to instill a passion for the natural world through conservation, education, and recreation; and

**WHEREAS**, FOUNDATION desires to contribute to the development, beautification, and improvement of the ZOO, through fund-raising, marketing, special events, education, and similar activities; and

**WHEREAS**, the CITY has determined that the specific form of assistance it needs from FOUNDATION is to obtain financial contributions and similar support from the private sector, including but not limited to, individuals, corporations, and charitable foundations, to be used for ZOO capital improvements; and

**WHEREAS**, it is appropriate to create a contractual relationship between the CITY and FOUNDATION to specify and describe the nature of the responsibilities, roles, aims, and goals of the parties to this Agreement for the primary purpose of providing a high quality zoo.

**NOW THEREFORE, BE IT RESOLVED THE PARTIES AGREE AS FOLLOWS:**

1. **SCOPE OF ADDENDUM:** The FOUNDATION desires to design and construct the "Watershed Heroes" Exhibit consisting of a new River otter, Salmonid and Bald Eagle exhibit, associated walkways, interpretives and support building, hereinafter referred to as the PROJECT, as described in the



Grant Application for Nature Education Facilities Program Grant Application  
of California State Parks, pending successful award of the grant.

- a. The FOUNDATION agrees to construct the PROJECT and then transfer the PROJECT and be provided appropriate land tenure by the CITY, should the grant be awarded.
- b. The PROJECT and contract obligations will be transferred to the CITY upon the FOUNDATION'S completion of the PROJECT and with approval of the transfer by the State of California's Department of Parks and Recreation.
- c. The CITY and the FOUNDATION agree that the FOUNDATION will be responsible for the PROJECT and grant contract obligations including operation and maintenance of the PROJECT for public access for 20 years if the grant is \$1,000,000 or less, and 30 years if the grant is more than \$1,000,000, or until the State approves the transfer of the grant contract obligations to the CITY, whichever is earlier.
- d. In the event of a delay between the date when the FOUNDATION completes the PROJECT and the State approves transfer of the contract obligations to the CITY, the FOUNDATION as the grantee, will be responsible for the grant contract obligations including operation and maintenance of the PROJECT to ensure public use. The FOUNDATION may delegate operation and maintenance roles to another party.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF EUREKA:

SEQUOIA PARK ZOO FOUNDATION:

By: \_\_\_\_\_  
David Tyson, City Manager

By: \_\_\_\_\_  
Chuck Dominick, President

Approved to Form:

\_\_\_\_\_  
City Attorney

**AGENDA SUMMARY**

**RE: EUREKA REDEVELOPMENT AGENCY**  
JEFFERSON SCHOOL ACQUISITION, 1000 B ST.

**FOR AGENDA DATE: FEBRUARY 1, 2011**

**AGENDA ITEM NO.:** //

**RECOMMENDATION:**

1. Receive Strategic Plan Update and staff report regarding acquisition of Jefferson School.
2. Provide direction to staff on how to proceed with project.

**SUMMARY:**

At the Eureka City Council/Redevelopment Agency meeting of December 21, 2010, the Council/Agency requested a report on the acquisition of the Jefferson School site be placed on a future agenda. Arnie Herskovic of SHN Consulting Engineers was engaged to prepare an update of the Strategic Plan presented in December, 2008. The updated plan has been completed and is being presented tonight.


A history of the project as presented and approved at the September 7, 2010 meeting follows.

*Continued page 2*

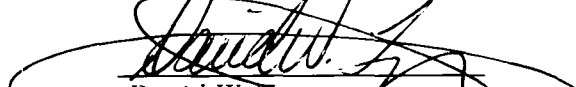
**FISCAL IMPACT:**

As approved on September 7, 2010, the Agency is to pay \$200,000 at the close of escrow with the remaining balance of \$400,000 to be paid prior to the close of FY 2010/2011. The future costs associated with the maintenance and development of the facility are presented in the Strategic Plan Update.

**DEPARTMENT HEAD SIGNATURE:**

  
Cindy Trobitz-Thomas,  
Redevelopment Director

**CITY MANAGER SIGNATURE:**

  
David W. Tyson,  
City Manager

**REVIEWED BY:**

City Attorney  
Finance  
Community Dev  
Public Works

**DATE:**

1-27-11  
1-27-11  
1-27-11  
1-27-11

**INITIALS:**

WB/sk  
pr/sk  
so/sk  
mk/sk

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**SUMMARY** (continued)

**RE: EUREKA REDEVELOPMENT AGENCY**  
JEFFERSON SCHOOL ACQUISITION, 1000 B ST.

**FOR AGENDA DATE: FEBRUARY 1, 2011**

**AGENDA ITEM NO.:**  
*Page 2*

The original Jefferson School Building, located at 1000 B Street, was constructed in 1941. An addition was added to the north in 1955. Eureka City Schools closed Jefferson School in 2005 and began the process of making the site available for sale. Several residents in the surrounding neighborhood approached the City expressing concern about the future use of the site and requested the Eureka Redevelopment Agency purchase the 2.3 acre site, work with the neighbors and develop a reuse plan that would enhance the community.

In 2007, Nilsen Real Estate Appraisals appraised 3 former schools. At that time, the value placed on Jefferson School was \$825,000. Based upon negotiations, with Eureka City School officials, a purchase price for the property of \$600,000 was agreed upon. The purchase price takes into account the necessity to abate asbestos, roof replacement, and other repairs necessitated by vandalism that the structures have incurred since the schools closure in 2005.

In order to ascertain the potential reuse options, the City of Eureka created a "Jefferson School Site Committee" which included two standing City Council members, Larry Glass and Polly Endert, and several interested neighborhood residents, referred to as the "Jefferson School Site Committee" (the "Committee").

The Redevelopment Agency also contracted with Arnie Herskovic, Economic Planning Manager, SHN Consulting Engineers & Geologists, Inc. to work with the neighbors and potential site users to explore the possibilities the site offers to the community to prepare a strategic plan. The plan focus was to determine likely reuse options, estimated acquisition and renovation costs for the site and market interest in leasing the site. Relevant portions of the original Strategic Plan are included within this Agenda Summary.

"...In order to determine those potential uses that could be housed at the site, the Committee began the process of identifying local agencies with space challenges that could benefit from the renovated site. Those that were considered included a day care center, a charter school, local non-profit agencies, a theatre and youth performing arts training facility, College of the Redwoods classes, and local arts organizations. From these primary interested groups, a number of mixed use activities emerged as possible programs that could be conducted at the "Jefferson Community Center" facility..."

The site was to be retained by the Redevelopment Agency, with the possible future acquisition by the City of Eureka. Although there were discussions as to the possibilities for adaptive reuse of the buildings, nothing was decided. Subsequent reuse of the buildings requires appropriate permits and approvals and an environmental review of the proposed use.

**SUMMARY** (continued)

<b>RE: EUREKA REDEVELOPMENT AGENCY</b> JEFFERSON SCHOOL ACQUISITION, 1000 B ST.	<b>FOR AGENDA DATE: FEBRUARY 1, 2011</b>  <b>AGENDA ITEM NO.:</b> <i>Page 3</i>
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The Agency Board authorized the Executive Director to pursue the purchase. On April 14, 2010, the Eureka Redevelopment Agency sent a Letter of Understanding to Eureka City Schools to purchase the 2.3 acre Jefferson School Facility located at 1000 B Street. The letter outlined the purchase price and terms and conditions. The Letter of Understanding was executed by both parties.

The original plan was for the west half of the property to be used as a city park with the expectation that the property would be transferred from the Redevelopment Agency to the City of Eureka. The .5 acre northeast corner was to be sold to Northcoast Children's Services (NCS) to expand their existing Head Start Program currently provided on their adjacent 914 B Street property. Due to federal grant funding restraints, NCS withdrew their interest in August 2010.

Concurrently, the Agency worked with two architects and the neighborhood citizen group to design a city park on the west half of the Jefferson School property. The design was not finalized and is still in the draft phase. Staff submitted a grant application to the Stewardship Council 2010 Infrastructure Fund to construct the park. Staff received notification the project was not accepted for funding.

The buildings are vacant and in disrepair with broken and boarded up windows. According to the original estimate provided by SHN (12/2008), the cost to repair the buildings would be in excess of \$2.5 million dollars. The most recent estimate from SHN is over \$3 million. The funds are not currently available to repair the building; therefore, the current plan is to stabilize the building until such time that sufficient funds become available. Staff has explored funding opportunities through Local, State, and Federal Agencies to assist with the purchase and renovation of the buildings. One of the difficulties in securing grant funding is the lack of a complete project description. Compounding the funding dilemma for this project is the State of California's possible defunding of existing redevelopment agency program tax increment funding. Local tax increment funds have historically been used to leverage grant and loan funds.

Ongoing maintenance of the park once constructed would be the responsibility of the Public Works Department. As part of the conditional use permit process the City would undertake the necessary environmental review of the proposed park required by CEQA. Approval of the use of the property as a park would not occur until completion of the appropriate environmental review.

Escrow was opened, with a regional underwriter reviewing the purchase for title insurance purposes. Redevelopment counsel prepared an opinion letter as required by redevelopment law and the school board was asked to provide documentation of compliance with the State Education Code.

At the September 7, 2010 meeting a joint resolution was adopted authorizing:

1. The purchase of certain property from Eureka City Schools, a Unified District; and
2. Appropriating funds for the purchase of the property from tax increment revenues; and
3. Making certain findings and authorizing a budget amendment to the Agency budget to allow for the payment of the purchase price.

4. Direct Staff to explore funding opportunities through Local, State, and Federal Agencies to assist with the purchase and renovation of the buildings.

Following the Council/Agency meeting of December 21, 2010, a letter was prepared and sent to Gregg Haulk, Superintendent of Eureka City Schools with a request to grant a 60 day extension of time to complete the purchase of Jefferson School. That request has been approved by the school board.

The letter also addressed the issue regarding First American Title Company, the title company that will be issuing the title policies for the Jefferson School site, expressing concerns about whether all statutory requirements have been met with respect to the transfer of the Jefferson School site from the School District to the Eureka Redevelopment Agency. As a result of the Title Company's inability to assure themselves that all requirements were met, the Title Company is only willing to issue the Agency a title policy that excludes insurance for any failure of the conveyance of the property as a result of the School District's failure to comply with statutory and regulatory requirements regarding the District's authority to convey the property. This exception potentially exposes the Agency to risks that the Agency does not have valid title to the property without insurance covering that risk. In order to proceed with the transaction, the Agency needs to understand the magnitude of the risk it might be taking. Since the School District is in the best situation to understand its statutory and regulatory requirements, it was requested that the School District provide the Agency with a legal opinion from the School District's attorney that all statutory and regulatory requirements for the conveyance of the Jefferson School Site have been met by the School District. No legal opinion has been received as of this date.

On January 11, 2011, the Redevelopment Agency contracted with Arnie Herskovic of SHN Consulting Engineers and Geologists to update the previously prepared Strategic Plan. The plan update consisted of interviews with newly determined candidates identified by the Westside Community Improvement Association, as well as potential tenants that were originally interviewed. Tenant options were incorporated into the pro forma financial projections. In addition, City costs for maintenance were incorporated into the operating expense projections. Detailed information is attached in the updated report and will be presented at tonight's meeting.

In considering the possible options listed below the Council/Agency Board will want to weight the following issues:

- ✓ Availability of project financing.
- ✓ Other projects competing for Agency tax increment funding.
- ✓ Agency debt capacity.
- ✓ Uncertain future of redevelopment.
- ✓ General Fund maintenance cost.
- ✓ Availability of tenants.
- ✓ The "cloud" on Title.

Possible Council/Agency options are:

1. Proceed with purchase as approved on September 7, 2010.
2. Based on the updated report, direct staff to withdraw from the purchase of Jefferson School property (based upon the speculative nature of the project, lack of tenants, uncertainty of RDA funds, ongoing maintenance costs, RDA debt capacity, and "cloud" on Title)
3. Continue discussion to the February 15<sup>th</sup> City Council meeting.

**DRAFT**

**Strategic Plan Update**

**Jefferson School Facility  
Eureka, California**

Prepared for:

**City of Eureka**



**Consulting Engineers & Geologists, Inc.**

812 W. Wabash Ave.  
Eureka, CA 95501-2138  
707-441-8855

January 2011  
010164

# Strategic Plan Update

## Jefferson School Facility Eureka, California

Prepared for:

**City of Eureka**

Prepared by:



Consulting Engineers & Geologists, Inc.

812 W. Wabash Ave.

Eureka, CA 95501-2138

707-441-8855

January 2011

QA/QC: JJA\_\_

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## Appendices

- A. Interview Form
- B. Pro Forma Financial Projections

## Acronyms and Abbreviations

C.R.	College of the Redwoods
CDBG	State Community Development Block Grant
CEQA	California Environmental Quality Act
CPR	Cardio Pulmonary Resuscitation
P	Public (zone classification)
SHN	SHN Consulting Engineers & Geologists, Inc.



## Introduction

This report is an update of the previously prepared Jefferson School strategic plan originally undertaken in 2008. The City of Eureka has since opened escrow to purchase the former 2.2-acre Jefferson School site from the Eureka City Schools. The original school committee is now referred to as the Westside Community Improvement Group and is advocating the reuse and renovation of the former school site into a mixed use community-oriented educational program. The Westside Community Improvement Group has remained active in the community in its pursuit of interested community organizations and educational programs that have expressed an interest in locating a business operation at the former Jefferson School site. Westside Community Improvement Group members represent a group of dedicated individuals who initiated the process of engaging the community in a dialogue and attended many meetings to review possible options for reuse of the Jefferson school site.

This site is a cornerstone of the Westside Eureka neighborhood. It is apparent that a low level of maintenance is taking place at this site and it is known in the community that the School District is in the process of selling the school site. This along with other factors has contributed to ongoing vandalism in the form of graffiti and broken classroom windows. The School District does not have available funding to repair and bring back the Jefferson School site to current school standards, so the buildings continue to deteriorate.

This update includes several reuse options, including updated estimated renovation costs, a project financing analysis, project timing, and a discussion of current market conditions along with known expressed interest in leasing space at this site.

## Methodology and Approach

All too often, community members and organizations consider vacant buildings in disrepair to be economic and social blight that inhibit neighborhood reinvestment.

California Redevelopment law actually requires that a form of either social and/or economic blight be present prior to any agency assistance in the form of redevelopment financing. Many under-maintained buildings and projects in the City of Eureka, both new and existing structures have received loan and grant assistance from Eureka's Redevelopment Agency since its advent more than 30 years ago. The Jefferson site is clearly a qualified candidate for Redevelopment Agency assistance, provided that funds are available.

Possible lessees for the 17,954-square foot buildings and surrounding site include a charter school(s), a food service training program, a local art organization, College of the Redwoods classes, and a community park. This process has produced a number of mixed use options for activities that can be conducted at the Jefferson School site.

The interview process included both newly determined candidates identified by the Westside Community Improvement Group, as well as those programs that were originally interviewed. (Refer to Appendix A for interview form). Based on this input, a number of possible options for program management of the Jefferson site were considered and incorporated into four Pro-Forma financial projections for review and consideration (Refer to Appendix B). Based on input received from Eureka City staff, current 2010 City costs including salary and benefits for maintenance

personnel were included in the Pro-Forma Operating Expense projections for the 5-year period identified. It should be noted that in Pro-Forma Option 4, where the Westside Community Improvement Group is responsible for building maintenance and operations, private contractor costs associated with maintenance are included. Included in the Pro-Forma is the purchase amount from Eureka City Schools for site acquisition, fees associated with obtaining loan financing, and all likely costs of operations and maintenance at the Jefferson site. Based on the original School District cost estimate for renovation as developed by District's contract architects, SHN has updated this information along with its findings from the Phase 1 environmental study conducted to review and identify likely abatement issues associated with the site.

In light of the state of the construction industry since 2008, our project costs have not been escalated since the preparation of the prior Jefferson strategic plan. However, this cost estimated does provide for additional asbestos abatement and removal, roof replacement (north section of buildings), window replacement, design/engineering, permitting, and a 10% project contingency budget.

Based on analyzing information obtained from the interviews and a review of local lease rates with area commercial realtors, this study updates the cost for leased space to range from \$1.20 per square foot for a single tenant occupant to \$1.30 per square foot for multiple site occupants. The latter rates reflect the likely higher vacancy factor of 15% for the multiple site option versus the single tenant occupant of zero to 5%. These lease rates would afford the site operator the ability to cover a higher percentage of operational expenses, including any loan debt service, maintenance, and project management.

At this point in time, it is increasingly apparent that any State grant funded program will not be available to assist with project financing. Based on the projected \$2.4 million construction cost estimate, we did re-contact the State Community Development Block Grant (CDBG) federal funding program to determine if any potential grant funding can be applied for.

The City of Eureka is also in the process of identifying possible funding sources for a park project on a portion of the lower area playground site. Also, local foundations were re-contacted to determine their possible participation in the project.

## Interview Summary

**Fuente Nueva Charter School, Arcata, California--Beth Wylie Director.** Fuente Nueva is an early learning Kindergarten through Sixth Grade Spanish immersion charter school located in a school classroom building at the former Bloomfield Elementary School site in Arcata. The current program has approximately 100 students enrolled at the 7,000-square foot school site. For the past few years, Fuente Nueva has been looking and has expressed a growing interest in locating a secondary school site facility in Eureka. A number of the current students attending the Arcata site are commuting from their residences in Eureka. Fuente Nueva currently shares space with the larger Coastal Grove Charter School at the same elementary school location. Fuente Nueva shares operational and maintenance costs with Coastal Grove Charter School and contributes one-third of these costs. Combining rent and monthly maintenance costs, Fuente Nueva currently pays 0.80 cents per square foot for this location. Fuente Nueva has 19 full time equivalent employees at the Arcata site.

The concept indicated for the use of the Jefferson School site would expand the curriculum to offer, at a minimum, classes for Kindergarten through 8<sup>th</sup> grade. This expansion anticipates a maximum of 180 students that could be enrolled at the Jefferson School site. Also, some interest has been offered regarding establishing a pre-school program on site.

Because a number of the students attending Fuente Nueva are eligible for student meal financial assistance, food service is offered at the Arcata school site and would need to be available at the Jefferson School site as well. It should be noted that the renovation of the Jefferson School site includes a new commercial kitchen setup that can accommodate meal preparation.

Fuente Nueva receives a combined State/Federal Block grant for its students' daily attendance, which is comparable to what most School Districts receive for average daily attendance. Fuente Nueva is eligible to apply for state project funding in two rounds. The first round would provide funding for program curriculum design, site planning, and concept implementation. In the second year, the program is eligible to apply for site renovation construction funding to accommodate classroom programs and activities. Based on its initial meetings with the City of Eureka, Fuente Nueva Charter School is willing to consider entering into successive 5 year lease terms.

The school's current lease in Arcata with the Northern Humboldt Unified School District is a month-to-month lease with a six-month notice to vacate. In discussions with Fuente Nueva, it has been mentioned that in return for their funding contribution toward classroom construction, the program would receive a reduced lease cost comparable to their current leasing rate in Arcata. It should be noted that school plans for charter schools are submitted to local building officials for plan check review and are not subject to State Office of Public School Construction or the Division of State Architect's review and approval.

Ms. Wylie, the school's Director, does not foresee any problem with co-locating at the Jefferson School site with other organizations.

**Aldergrove Charter School, Eureka, California-Jenni Allen-San Giovanni, Director.** Aldergrove Charter School currently operates a local school program with some classroom space and main offices at 5<sup>th</sup> and M Streets along with a satellite location at the Methodist Church in Eureka. This Charter School program also offers independent home school assistance, whereby teachers stop in to pick assignments at 5<sup>th</sup> and M Street and travel to the home site to offer student teaching assistance. The Charter School is experiencing growth in the number of students and program offering and foresees the need to expand. Aldergrove's lease at 5<sup>th</sup> and M Streets is slated to expire on June 30, 2013. The current program is housed in approximately 4,500 square feet, with six full time employees, and up to 16 teachers, the majority of which represent students with at-home assistance needs. The program would also need to establish a kitchen offering student meals.

Aldergrove Charter School representatives do not foresee any problems associated with co-locating at the Jefferson School site.

Aldergrove is also eligible to apply for the same state program design/implementation funding as the Fuente Nueva School: the first round of possible state funding would provide funding for program curriculum design, site planning, and concept implementation, and in the second year, the program would be eligible to apply for site renovation construction funding to accommodate classroom programs and activities.

Aldergrove envisions requiring at least 5,000 to 6,000 square feet of space to locate both its 5<sup>th</sup> and M Street and off-site church-leased space in one new location. Aldergrove currently is paying approximately 0.90 cents per square foot at 5<sup>th</sup> and M Streets and \$1.00 per square foot the church site. Aldergrove Charter School was among the early proponents interviewed in the initial Jefferson School Study in 2008-9. Again, this program is required to meet local building code and permitting requirements, with plans not subject to approval by the Division of the State Architect.

**Ink People–Libby Maynard, Executive Director.** The Ink People program offers a variety of mixed art and cultural training and classes is currently in its 32<sup>nd</sup> year of operations in the Eureka area. The program is located in the second floor of the Carson Block building at Third and F Streets in Old Town, Eureka, having recently moved from the Municipal Auditorium building, which is located in the Jefferson School neighborhood. The Ink People occupies eight rooms totaling 3,000 square feet. The program has at least 12 students and four full-time office staff members at this location.

The program is supported by a combination of state/federal grants, and user fees. The current rent is being offered at no cost to the Ink People by the building's owner, with its market lease value of \$1,700 per month.

The Ink People needs from 6 to 8 thousand square feet of space to conduct its entire program. The Ink People is interested in offering a multi-purpose program with a gallery area for art display, a black box (small scale) theater space, a mixed media and arts studio, and a music studio. The program's recent efforts to attract further major foundation support and or local foundation assistance have been less than successful.

**Humboldt Literacy Project–Carla Baku, Program Administrator.** The Humboldt Literacy Project has been in existence in the Eureka area for the past 25 years. The current office space in Eureka is 330 square feet in two offices. The program currently has 75 learners who are assisted through a group of some 65 volunteer tutors per year. The Literacy program is operated by two full-time staff personnel and receives it program support from the California Library Literacy Program, local foundation support, and business community support. The Literacy Project currently is paying \$1.00 per square foot for their Eureka offices. It is envisioned that at the Jefferson site, the Humboldt Literacy project would occupy a similarly sized 300 square foot office, with access needed for training in a library-type or conference space setting. The timeline for occupancy is 2+ years (2013/14)

**College of the Redwoods–Ahn Fielding, Director of Community and Economic Development.** The College of the Redwoods (C.R.) has been considering several new areas for its classroom settings in the Eureka market area. Currently, C.R. operates a downtown Eureka business classroom and laboratory campus at Sixth and K Streets with 8,700 square feet of space, five classrooms, offices, and parking for 50 employees. C.R. also has a general Arcata instructional site with 20,000 square feet that includes three general classrooms, a large warehouse, rental kitchens for start-up businesses, and office space for the Arcata Economic Development Business Center.

C.R. recognizes that a community-based location will improve access and help working individuals to further their professional and personal goals. C.R. did express interest in the Jefferson School site in the previous study. C.R. would in all likelihood occupy the entire school site for its program offerings. C.R. maintains its own facilities and grounds along with providing security services for

evening classes. To provide for C.R. undertaking this project, Pro-Forma Option #1 includes a significant lease cost adjustment, reflecting the grant funding contribution toward building and classroom renovation.

With the growth of classroom uses offered at the CR downtown campus, there is additional demand for various vocational educational programs, including historic preservation; solar photovoltaic and solar thermal installation; welding; management supervision; a tourism and hospitality program training, including a culinary skills component; water/wastewater certification training; senior programs; a paramedic program; career readiness training; and general education. In the past year CR has opened a new satellite campus in McKinleyville, with plans to complete a new branch campus in Garberville in the upcoming year. The Garberville site is a former 1937 era elementary school site, which will cost approximately \$1.5 million to renovate.

**Red Cross- Barbara Caldwell.** The Red Cross has occupied operational space at the northern side of the Eureka Municipal Auditorium over the past decade. The program is interested in expanding its program to offer monthly disaster training, home health care program training, and a new certified nursing assistant training program. These programs would need at least one or two large classrooms in which to conduct training activities. The Red Cross will be seeking local foundation and other financial support in order to implement these new programs and is interested in locating one or more of these activities at the Jefferson School site. The Red Cross currently pays the City of Eureka \$130 per month including utilities for the Municipal Auditorium site, which is 3,000 square feet including storage.

The Red Cross provides Cardio-Pulmonary Resuscitation (CPR) and first aid training along with the home health care training and emergency/disaster preparedness training. There is no off-street parking, and there are six full time employees along with 5 to 30 volunteers providing services. The Red Cross program at the Municipal Auditorium does not meet handicapped accessibility standards. The program lease costs are heavily subsidized by the City of Eureka as a community benefit.

**Youth Bicycle Repair Shop-Laura Chancellor.** This project is a new program that would be offered in conjunction with sponsorship by the Ink People as a youth job creation activity. The proposal is to use the northern storage outer building at the Jefferson site as a bicycle repair shop with disadvantaged youth under supervision repairing bicycles. This project would provide 2 to 3 under-employed youth with skill training in the bicycle repair business during after school hours from 3 to 6 p.m. The program could be sponsored by a local foundation with start-up capital and equipment. The Ink People has expressed an interest in the development of this program. It is likely that this project could pay a very minimal rent for the space and in all likelihood would need to be subsidized.

**Community Kitchen / Training Program.** There has been some interest in renovating the existing 300-square foot kitchen area in order to provide both on-site student meals and possible evening culinary training programs. The renovation of the kitchen area is estimated to cost \$120,000 and, based on a 10-year payback schedule, would need to be leased for \$1.20 per square foot in order to amortize the investment. At least one individual, Monty Caid of Lost Foods, has indicated an interest in leasing the kitchen site and is willing to pay \$500 per month in lease payments.

Because there are other interested parties willing to lease the kitchen space in the Jefferson School site, it may be advantageous to offer the space and program in a Request for Proposal format by the leasing agency. This will ensure that the best program operator and lease cost recovery rate can be

achieved. The kitchen is an integral part of the Charter School programs as both interested parties serve meals to disadvantaged youth and the operator will need to provide this service along with any other culinary training activities.

## **Project Financing Discussion**

At this point in time, it is apparent that the State of California's budgetary dilemma will weigh heavily on the ability of any party to access grant funding (such as, the State's Community Development Block Grant or other comparable programs). The Jefferson School project Pro-Formas have included scenarios considering with and without project grant funding to determine the likely costs of operation, maintenance, and loan debt service. Due to bond underwriting requirements and other financial constraints (possible Redevelopment Agency and state defunding), it would be very difficult for the City of Eureka to borrow \$3.0 million (worst case scenario). The City of Eureka has also maintained that it is not interested in becoming the responsible party for ongoing operations and maintenance associated with the Jefferson School site. If the City of Eureka were to consider approving the use of the site for a multi-purpose school/community center project, it would still need to provide for at least two to three years of ongoing site maintenance at a cost of \$100,000 per year upon closure of escrow. This is the minimum amount of time that will be required to complete the various project tasks, including accessing project financing, plan design, permitting, environmental review, and actual construction/site renovations (refer to project timeline). While escrow has been opened by the City of Eureka, an exclusion to the title has been expressed by the title company regarding whether all statutory requirements have been met with respect to the transfer of the Jefferson School site from the school district to the City of Eureka. This issue will need to be resolved by all parties in order for site conveyance and appropriate insurance to be issued. It should be noted that if the responsibility for site maintenance were turned over to the Westside Community Improvement Group, it could be performed at a considerably lower cost through outside contract and volunteer efforts.

Based on discussions with a local community bank, the Westside Community Improvement Group is eligible to apply for a bank loan with a governmental (USDA) loan guaranty, provided that it has site control. The USDA loan guarantees 80% of the bank's loan, thus providing additional project security. In order to secure loan financing, the applicant will need to obtain ownership of the land and buildings, and contribute 20% of the total project costs, along with the bank fees and closing costs (title, escrow, USDA loan guaranty fees, bank fees, construction period interest). The applicant needs \$750,000 in matching funds before loan approval from the bank can be considered. The lender indicated that a \$750,000 grant would be an acceptable form of capital injection toward the project, but that a site lease is not considered acceptable by the bank loan standards for collateral. The Redwood Community Action Agency has offered to assist this project with funding applications to any potential government or foundation sources.

This process will require at least a one year (or longer) to receive notification of funding offers. As indicated above, there are few if any State Block Grant sources available at this time; however, there may be other outside federal sources or local foundations willing to consider applications for project financing.

City staff and the project consultant did contact the State of California Economic Development Block Grant representative for Humboldt County to discuss any possible funding for the Jefferson School project. State officials also indicated that the likelihood of project funding would be greater

if the applicant has a track record of operating and managing a school site (for example, the existing experienced charter school). It was indicated by state officials that there may be an eligibility issue for loan funding to a charter school. If approved, the City of Eureka would be eligible to receive a grant. Based on job creation at the Jefferson site, up to \$1.0 million in low interest long-term (up to 40 years) loans could be available from the City of Eureka for the project. The State's Economic Block Grant program requires submittal of a full-scale business plan, financials, management capability, and a long-term plan for site operation. It was indicated that the likelihood for funding a startup 501 (c) 3 i.e. Westside Community Improvement Group is not good.

Other possible funding sources indicated are the State of California Economic Infrastructure Bank, non-profit foundations, and the National Development Council. The Infrastructure Bank is focused on loans to applicants with a guaranteed source of repayment (such as, Redevelopment tax increment or user fees). Local non-profit foundations can be expected to play a role in funding equipment and special program needs, but not project construction. The National Development Council offers tax credit financing to investors who are interested in lending funds to agencies that need to shelter income through the use of federal historic tax credits.

In summary, the best source of project financing appears to be a combination of school planning and construction funding, along with local lender USDA-backed financing, and to a lesser extent, a possible Over the Counter Economic Development Block Grant/low interest loan.

## **Project Pro-Forma Financials**

The Jefferson School project cost estimate has been updated to include costs associated with modernization of the building, classrooms, and kitchen, and roof repairs on the buildings. The total estimated project cost (including permitting, California Environmental Quality Act [CEQA] compliance, project design, engineering, and a 10% contingency) is \$2.4 million. This estimate would bring the buildings into compliance with local building codes, but would not include compliance with the Field Act (seismic safety) issues. The site acquisition cost from the Eureka City School District is \$600,000. Projected costs to operate and maintain the site were developed in consultation with local property managers, information from the City of Eureka Public Works Department, and industry sources. The Pro-Forma (Appendix B) indicates two different approaches:

- 1) single tenant occupancy with a triple net lease at \$1.20 per square foot (tenant provides maintenance, insurance, and operations costs), and
- 2) multiple tenant mixed use occupancy at \$1.30 per square foot with the tenants responsible also for all operation and maintenance costs.

Both Pro-Forma occupancy types include the possibility of grant/loan funding as a consideration in the equation.

The Pro-Forma uses a level lease cost for the 5-year projection period, and includes annual 5% increases in the line items for the operational and maintenance costs. A set-aside, labeled as Replacement Reserve in Operating Cost projections, represents a 20-year amortized fund to replace the existing major systems (for example, roof, heating and ventilation).



## Project Permitting/Environmental Review

Based on discussions with the City's Community Development staff, the mix use nature of this project with its office, community kitchen, and charter school uses will require the current zoning P- Public to be changed to a more commercial designation. This step can be accomplished at the same time as the project is heard by the City's Planning Commission and City Council. At the commission hearing, a Conditional Use Permit, CEQA initial study, rezone application, and a text amendment, if needed, would all be heard (Jefferson School Uses Chart, January 25, 2011, Appendix C). In addition to the CEQA initial study, it is likely that a traffic analysis report would be required in order to satisfy and mitigate to less than significant any potential neighborhood impact issues. The project cost estimate includes a cost component dedicated to permit and environmental studies that include a traffic analysis.

## Likely Tenants

Based on the interviews conducted with prospective lessees for the Jefferson site, it can be assumed that the following programs are interested and able to pay the estimated lease costs. The actual amount of lease space is only an estimate and could change, based on the preparation of the site plan design layout and lease negotiations.

### Single Tenant Occupancy Option

Fuente Nueva Charter School, or  
College of the Redwoods (Classroom programs)..... 17,954 Sq. Ft.  
Estimated Occupancy for Year 1 .....95%

### Multiple Tenant Mixed Use Occupancy Option

Fuente Nueva Charter School (K-8) ..... 10,000 Sq. Ft.  
Aldergrove Charter School.....5,000-6,000 Sq. Ft.  
Humboldt Literacy Project ..... 300 Sq. Ft.  
Community Kitchen facility ..... 600 Sq. Ft.  
Library/Community Center space..... 1,000 Sq. Ft.  

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**Total Estimated Space .....17,900 Sq. Ft.**  
Estimated Occupancy Rate for Year 1 .....85%

Other parties considered for the Jefferson site who did not express an interest in leasing space:

- Northcoast Child Care Services
- County of Humboldt
- Eureka Housing Authority
- Humboldt Area Foundation
- Humboldt First Five

## Project Summary and Findings

In light of the uncertainty of state program funding, the timing for accessing project funding is more challenging than ever. While the two charter schools that have expressed interest in locating program offerings at the Jefferson School site are very desirable, the timing to receive any state construction funding for classroom improvements is approximately two years away at the earliest. Outside agencies (such as, the Redwood Community Action Agency) have offered staff resources to assist in locating and applying for any possible federal or foundation grant sources for this project. However, it should be noted that locating such funding may take considerable time, with no known assurance of success. Compounding the funding dilemma for this project is the State of California's possible de-funding of existing redevelopment agency program tax increment revenues. The only funding source that has been initially identified for this project (the State Over the Counter Economic Block Grant program) is a long shot in terms of possible low interest loan funding, with some reservations expressed by state officials regarding funding of a project that includes charter schools. State officials are not interested in providing funding to the Westside Community Improvement Program, because of its lack of operational and management experience. However, should Fuente Nueva be deemed eligible (must be willing to change administrative operations for payroll/benefit services at Arcata/Eureka sites) and is willing to become the lead agency, there may be a possibility of applying for the Over the Counter Block Grant funding. This funding source could provide up to a maximum of \$1.0 million in grant funds to the City of Eureka, who would in turn loan these funds to the Jefferson School project at favorable terms. The balance of project costs, or \$1.4 million would need to come from another funding source or conventional bank loan. One of the project pro-forma reflects this potential of combined state/local financing.

In reviewing tenant options, it is apparent that only a select few of those parties considered (Fuente Nueva, Aldergrove Charter School, and the Humboldt Literacy Project) can afford \$1.00 or more per square foot in lease costs. Should the charter schools access construction funding from the state, their lease costs could be lowered to at least their current rates of about \$0.80 per square foot. The pro-formas, including all operating expenses for the Jefferson site, indicate that lease rates of \$1.30+ per square foot would need to be levied in 2014, the first planned year of program operations.

As far as conventional loan assistance is concerned, it will require accessing at least \$750,000 in grant assistance in order to become eligible to receive major loan assistance through a USDA loan guaranty provided by a local bank. A requirement for accessing bank loan financing is site control and ownership by the applicant. Naturally, accessing project financing would in all likelihood be a pre-condition of the City of Eureka, prior to providing the Jefferson School site to a non-profit agency. The effort to complete the grant/loan applications for the project will be considerable and time-consuming. As outlined, there are a number of unknown factors with regard to total project financing that remain difficult to pinpoint, as well as the cloud over Redevelopment Agency funding, property insurance exclusion, and availability of State construction financing. It will take at least 2 to 3 years to complete this project successfully, assuming that a number of financing issues are resolved. During this time, the City of Eureka will incur \$100,000 per year in ongoing Maintenance costs.

Appendix A

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**Interview Form**

## INTERVIEW FORM

### Questions for Jefferson School Site:

- 1) Length Program has been in existence: \_\_\_\_\_
- 2) Current site size (Square Feet) \_\_\_\_\_
- 3) Space needed to accommodate program? \_\_\_\_\_
- 4) Growth potential of program? \_\_\_\_\_
- 5) Currently, serving how many persons in community? \_\_\_\_\_  
With New Space? \_\_\_\_\_
- 6) Number of Staff members \_\_\_\_\_
- 7) Off- Street Parking Available at current site \_\_\_\_\_
- 8) Parking for Program needed? \_\_\_\_\_ Staff \_\_\_\_\_ Visitors \_\_\_\_\_
- 9) Source of Program funding? (State, Federal, local, user fees) \_\_\_\_\_
- 10) Current cost per square foot? \_\_\_\_\_ Cost willing to pay for new space? \_\_\_\_\_
- 11) Timeline for occupancy at new site? \_\_\_\_\_
- 12) Moving all or part of existing programs? \_\_\_\_\_
- 13) Number of Restrooms currently available? \_\_\_\_\_
- 14) Number of Program participant restrooms needed? \_\_\_\_\_ Staff? \_\_\_\_\_
- 15) Any special program needs? \_\_\_\_\_
- 16) Does your program require State licensing? Special standards (OSHPD, DSA)? \_\_\_\_\_



**DRAFT**

Option 1  
Jefferson School Project  
Site Acquisition/Development Costs

January 2011

<b>Site Acquisition:</b>	\$600,000	
<b>Downpayment</b>	200,000	
<b>Balance Owed</b>	400,000	600,000

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<b>Construction</b>		
Hallway fire sprinkling-Asbestos Abatement		60,000
Sitework		113,650
Concrete		92,700
Metals		10,000
Wood & Plastics		138,000
Thermal & Moisture		25,000
Doors & Windows		100,000
Finishes		301,610
Mechanical		280,985
Electrical		265,000
Security System		25,000
Roof Replacement		100,000
Specialties/Kitchen Equipment		120,000
General Conditions	11%	177,535
Contractor Overhead & Profit	8%	129,115
Bonds & Insurance	2%	32,200
Design/Engineering/Permitting/CEQA	9%	145,255
Project Contingencies	10%	161,395
<b>TOTAL CONSTRUCTION ESTIMATE</b>		<b>2,277,445</b>
<hr/>		
Project Financing Fees, Appraisal, Const. Interes:		130,000
<hr/>		
<b>TOTAL PROJECT COST</b>		<b>3,007,445</b>

Option 1  
Jefferson School Site  
Single Tenant Occupancy  
Pro-Forma 2014-2018  
(With Grant Funding)

PROJECT INCOME	2014	2015	2016	2017	2018
Tenant Lease Revenue	43,090	43,090	43,090	43,090	43,090
\$ .20 P.S.F. Leasable Area 17,954 Sq.Ft. N/N/N Lease					
<b>ANNUAL OPERATING EXPENSES:</b>					
Replacement Reserve	8,000	8,000	8,000	8,000	8,000
Total Operating Costs	8,000	8,000	8,000	8,000	8,000
Debt Service \$400,000 @ 6.25% Interest for 30 Years	29,520	29,520	29,520	29,520	29,520
Net Revenue	5,570	5,570	5,570	5,570	5,570

Notes: Assume that Tenant provides \$2.0 million toward site construction costs  
Lease Rate: \$1.20 - \$1.00 (Credit for Grant funds) = \$.20 Per Square Foot  
Lessee under N/N/N Lease provides all maintenance and operational expenses  
Replacement Reserve to cover replacement of roof, heating and ventilation systems within 25 years

**Option 2**  
**Single Tenant Occupant**  
**Jefferson school Site Pro-Forma**  
**Income and Operating Expenses 2014-2018**  
**(Without Any Grant Funding)**

<b>PROJECT INCOME</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Tenant Lease Revenue 17,954 Sq.Ft.					
Vacancy Rate	5%	5%	0%	0%	0%
<b>Net Leased Space</b> 17,056 @ \$1.20 SF	245,605	245,605	258,530	258,530	258,530

**ANNUAL OPERATING EXPENSES:**

Accounting	2,500	2,625	2,755	2,895	3,040
Building Maintenance	50,000	52,500	55,125	57,880	60,775
Garbage	2,400	2,520	2,645	2,775	2,915
Sewer/Water	3,500	3,675	3,860	4,055	4,260
Insurance	20,000	21,000	22,050	23,150	24,305
Office Phone	1,500	1,575	1,655	1,740	1,825
Supplies- Cleaning	4,000	4,200	4,410	4,630	4,860
Janitorial	37,000	38,850	40,790	42,830	44,970
Replacement Reserve	8,000	8,400	8,820	9,260	9,725
Utilities - Common Area	5,000	5,250	5,515	5,790	6,080
Landscape Maintenance	18,750	19,685	20,670	21,705	22,790
Alarm System Maintenance	1,800	1,800	2,000	2,000	2,100

<b>Total Operating Cost</b>	<b>154,450</b>	<b>162,080</b>	<b>170,295</b>	<b>178,710</b>	<b>187,645</b>
Debt Service \$2.4 million 6.25% 30 Years	177,410	177,410	177,410	177,410	177,410

<b>Net Revenue</b>	<b>-86,255</b>	<b>-93,885</b>	<b>-89,175</b>	<b>-97,590</b>	<b>-106,525</b>
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Debt Service assumes no grant funding received and only long term low interest loan financing @ 6.25% Interest for 30 years USDA guaranty.  
Assumes that the City of Eureka's maintenance personnel and landscape crew will perform needed services.  
Annual Operating Expenses are increased by 5% to cover any Consumer Price Index adjusted for inflation.  
The breakeven lease rate for this option is \$1.62 per square foot.



**Option 3**  
**Multiple Site Occupants**  
**Jefferson School Site Pro-Forma**  
**Site Lease Pro-Forma 2014-2018**  
**(With Grant Funding)**

<b>PROJECT INCOME</b>		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Tenant Lease Revenue	17,954 Sq.Ft.					
Vacancy Rate		15%	15%	10%	10%	10%
Net Leased Space	15,259 Sq.Ft.@ \$1.30	238,040	238,040	252,070	252,070	252,070
<b>ANNUAL OPERATING EXPENSES:</b>						
Accounting		2,500	2,625	2,755	2,895	3,040
Building Maintenance		20,000	21,000	22,050	23,150	24,310
Property Management		19,000	19,950	20,950	22,000	23,100
Garbage		2,400	2,520	2,645	2,775	2,915
Sewer /Water		3,500	3,675	3,860	4,055	4,260
Insurance		20,000	21,000	22,050	23,150	24,305
Office phone		1,500	1,575	1,655	1,740	1,825
Supplies-cleaning		4,000	4,200	4,410	4,630	4,970
Janitorial		20,000	21,000	22,050	23,150	24,310
Replacement Reserve		8,000	8,000	8,000	8,000	8,000
Utilities- Common Area		5,000	5,250	5,515	5,790	6,080
Landscape Maintenance		7,500	7,875	8,270	8,685	9,120
Alarm System Maintenance		1,800	1,800	2,000	2,000	2,100
<b>Total Operating Cost</b>		<b>115,200</b>	<b>120,470</b>	<b>126,210</b>	<b>132,020</b>	<b>138,335</b>
Debt Service \$1,650,000 @6.25% 30 yrs.		121,770	121,770	121,770	121,770	121,770
Assume \$750,000 grant						
<b>Net Revenue</b>		<b>-1,070</b>	<b>-4,200</b>	<b>-4,090</b>	<b>-1,720</b>	<b>-8,035</b>

Debt Service assumes receipt of a \$750,000 grant toward project and a Conventional bank loan with a USDA loan guaranty  
Assumes that maintenance and landscape services are contracted to private companies  
Annual Operating Expenses are increased by 5% to cover inflation  
The breakeven lease rate for this option is \$1.32 per square foot in order to lower operating expenses.

Option 4  
Multiple Site Occupants  
Jefferson School Site Pro-Forma  
Site Pro-Forma 2014-2018  
(Without Grant Funding)  
Break-Even Analysis

PROJECT INCOME		2014	2015	2016	2017	2018
Tenant Lease Revenue	17,954 SF					
Vacancy Rate	15%		15%	10%	10%	10%
Net Lease Area	15,259 @ \$1.30 SF	238,040	238,040	252,070	252,070	252,070
<b>ANNUAL OPERATING EXPENSES:</b>						
Accounting		2,500	2,625	2,755	2,895	3,040
Building Maintenance		20,000	21,000	22,050	23,150	24,310
Property Management		19,000	19,950	20,950	22,000	23,100
Garbage		2,400	2,520	2,645	2,775	2,915
Sewer / Water		3,500	3,675	3,860	4,055	4,260
Insurance		20,000	21,000	22,050	23,150	24,305
Office Phone		1,500	1,575	1,655	1,740	1,825
Supplies-cleaning		4,000	4,200	4,410	4,630	4,970
Janitorial		20,000	21,000	22,050	23,150	24,310
Replacement Reserve		8,000	8,000	8,000	8,000	8,000
Utilities- Common Area		5,000	5,250	5,515	5,790	6,080
Landscape Maintenance		7,500	7,875	8,270	8,685	9,120
Alarm System Maintenance		1,800	1,800	2,000	2,000	2,100
<b>Total Operating Cost</b>		<b>115,200</b>	<b>120,470</b>	<b>126,210</b>	<b>132,020</b>	<b>138,335</b>
Debt Service \$2.4 million 6.25% 30 yrs.		177,410	177,410	177,410	177,410	177,410
<b>Net Revenue</b>		<b>-54,570</b>	<b>-59,840</b>	<b>-51,550</b>	<b>-57,360</b>	<b>-63,675</b>

Assumes that \$2.4 million in conventional financing is provided through a lender  
Assumes that maintenance and landscape services are contracted to private companies  
Assumes that Operating Expenses are increased by 5% to cover inflation

**A breakeven lease cost of \$1.60 Per square foot would be required to cover debt service and operating expenses**

Jefferson School  
January 25, 2011

The uses below were provided by Arnie Herskovic as potential uses/tenants for the Jefferson School buildings. The matrix identifies the uses, zoning districts and whether the use is Permitted (P) or Conditionally Permitted (C). Blank boxes indicate the use is not permitted in that zoning district.

<b>Use</b>	<b>P</b>	<b>RM</b>	<b>OR</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
Public School ( <i>Charter School/CR classes</i> )	C					
Nursery School <sup>1</sup> ( <i>Charter School?</i> )		P				
Office ( <i>Literacy Project</i> )			P	P	P	P
Charitable Institution ( <i>Red Cross</i> )		C	C	C	C	C
Meeting Hall ( <i>Community Center, Humboldt Literacy</i> )					P	P
Arts & Crafts School ( <i>Ink People</i> )				P	P	P
Art Galleries ( <i>Ink People</i> )			C	P	P	P
Theaters and Auditoriums within Buildings ( <i>Ink People</i> )					P	P
Business, Professional, and Trade Schools and Colleges ( <i>Food Service Training Program</i> )				C	P	P
Light Industrial ( <i>Commercial Kitchen</i> )						C
Bicycle Shop ( <i>Bike Repair</i> )				P	P	P

Below are the special purposes of the zone districts identified above; on the following pages are the full lists of permitted and conditionally permitted uses for each zoning district.

**(P) Public.** *Purpose:* to provide a procedure for the orderly establishment of public facilities, expansion of their operations, or changes in the use of lands owned by governmental agencies.

**(RM) Residential Multi-Family.** *Purpose:* to reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety; to preserve as many as possible of the desirable characteristics of the One-Family Residential District while permitting higher population densities; to ensure adequate light, air, privacy, and open space for each dwelling unit; to provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment; to minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them; to provide necessary space for the off-street parking of automobiles and, where

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<sup>1</sup> **NURSERY SCHOOL.** A school for five or more pre-elementary school age children, or the use of a site or portion of a site for a group daycare program for five children or more other than those resident on the site, including a day nursery, play group, or after-school group.

appropriate, for the off-street loading of trucks; to protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic; to protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences; and, to protect residential properties from fire, explosion, noxious fumes, and other hazards.

**(OR) Office Residential.** *Purpose:* to provide opportunities for offices of a semi-commercial character to locate outside commercial districts; to provide space for semi-public facilities and institutions which appropriately may be located in office and multi-family dwelling districts; to provide adequate space to meet the needs of modern offices, including the off-street parking of automobiles and, where appropriate, the off-street loading of trucks; to minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them; to protect offices and multi-family dwellings from noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses; and to protect offices and multi-family dwellings from fire, explosion, noxious fumes, and other hazards.

**(CN) Commercial Neighborhood.** *Purpose:* to provide appropriately located areas for retail stores, offices, and personal service establishments patronized primarily by residents of the immediate area; to permit the development of neighborhood shopping centers of limited size and in locations shown on the Eureka Area General Plan according to standards that minimize adverse impacts on adjoining residential uses.

**(CC) Central Commercial.** *Purpose:* to maintain compactness and encourage more intensive development in the county's principal business district; and, to maximize the efficiency of the central district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area

**(CS) Service Commercial.** *Purpose:* to provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts; to permit additional development in mixed commercial areas containing both retail stores and commercial services; and, to allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.

**(P) Public.**

*Permitted uses.* Each use and structure existing on a parcel in the P District as of September 13, 1966, is hereby declared to be a conforming use and structure.

*Conditional uses.*

- (1) Airports;
- (2) Animal shelters;
- (3) Boat harbors and wharves;
- (4) Hospitals;
- (5) Parks, zoos, golf courses, playgrounds, and other public recreation facilities;
- (6) Public buildings and grounds;
- (7) Public schools, including nursery schools, elementary schools, junior high schools, high schools, and colleges;
- (8) Public pumping stations, power stations, equipment buildings and installations, corporation yards, drainage ways and structures, reservoirs, storage tanks, and sewage treatment plants; and,
- (9) Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by § 155.119(B) of this chapter.

## **(RM) Residential Multi-Family.**

### *Permitted uses.*

- (1) Any use permitted under § 155.052(C) of this subchapter in RS-6,000 One-Family Residential Districts;
- (2) Combinations of attached or detached dwelling units, including duplexes, multi-family dwellings, dwelling groups, row houses, and town houses;
- (3) Lodging houses and bed and breakfast inns in which not more than 15 paying guests may be lodged or boarded.
- (4) Nursing homes for not more than six patients; and,
- (5) Accessory structures and uses located on the same site as permitted use.

### *Conditional uses.*

- (1) Charitable institutions;
- (2) Churches, synagogues, temples and other institutions of worship;
- (3) Commercial nursery growing grounds;
- (4) Golf courses;
- (5) Nursery schools;
- (6) Nursing homes;
- (7) Parking facilities improved as set forth in §§ 155.115 through 155.123 of this chapter on site having a side property line which adjoins an OR, HM, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line adjoining an OR, HM, C, or M District and has access therefrom; provided, however, the site of the parking facility shall not extend more than 1,500 feet from the boundary of the OR, HM, C, or M District.
- (8) Private recreation parks and swim clubs;
- (9) Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges;
- (10) Private noncommercial clubs and lodges, not including employment officer;
- (11) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;
- (12) Mobilehome parks in an RM-1,000 District in accordance with the provisions of §§ 155.230 through 155.232 of this chapter.
- (13) Accessory structures and uses located on the same site as a conditional use;

- (14) Family care homes and halfway houses; and
- (15) Timber harvest of less than three acres.

## **(OR) Office Residential.**

### *Permitted uses.*

(1) Any use permitted under § 155.053(E) of this subchapter in RM Districts, provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that units not located above a permitted nonresidential use shall be subject to the requirements for usable open space per dwelling unit of the RM-1,000 District. Yards at and above the first level occupied by dwelling units shall be as required in the RM District;

(2) Administrative, business, and professional offices, including medical offices;

(3) Any other use which is determined by the Planning Commission, as provided in §§ 155.265 through 155.270 of this chapter, to be similar to the uses listed in subsection (2) of this section;

(4) Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in § 155.118 of this chapter; and

(5) Accessory structures and uses located on the same site as a permitted use

*Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

(1) Nursing homes;

(2) Private schools and colleges, including music and dance studios not less than 150 feet from an R District;

(3) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;

(4) Accessory structures and uses located on the same site as a conditional use;

(5) Family care homes and halfway houses;

(6) Charitable institutions;

(7) Churches, synagogues, temples and other institutions of worship;

(8) Nursery schools;

(9) Private noncommercial clubs and lodges;

(10) Mortuaries;

(11) Motels and hotels;



(12) Retail and service establishments that are compatible with and complementary to other permitted uses, such as:

- (a) Art and artists' supply stores;
  - (b) Art galleries and stores selling objects of art;
  - (c) Banks and savings and loan offices;
  - (d) Bail bonding establishments;
  - (e) Bars not less than 150 feet from an R District;
  - (f) Barber shops and beauty shops;
  - (g) Book stores and rental libraries;
  - (h) Candy stores;
  - (i) Finance companies;
  - (j) Florists;
  - (k) Gift shops;
  - (l) Interior decorating shops;
  - (m) Prescription pharmacies provided at least 80% of the interior display area of a pharmacy shall be used for the sale of prescription or trade drugs and provided liquor shall not be sold;
  - (n) Restaurants and soda fountains, not including drive-in establishments, not less than 150 feet from an R District;
  - (o) Telegraph offices; and,
  - (p) Travel agencies.
- (13) Timber harvest of less than three acres.

**(CN) Commercial Neighborhood.**

**(CC) Central Commercial.**

**(CS) Service Commercial.**

<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
Accessory uses and structures located on the same site as a permitted use		P	P
Accessory uses and structures, not including warehouses, located on the same site as a permitted use	P		
Accessory uses and structures located on the same site as a conditional use	C	C	C
Addressograph services		P	P
Arts and crafts schools and colleges	P	P	P
Administrative, business, and professional offices, except medical and dental offices	P	P	P
Ambulance services	C		P
Amusement parks			C
Arts and artists' supply stores	P	P	P
Art galleries and stores selling objects of art	P	P	P
Auction rooms		P	P
Auction establishments, including outdoor displays			P
Automobile and motorcycle racing stadiums and drag strips			C
Automobile rental agencies		P	P
Automobile repairing, overhauling, rebuilding, and painting			P
Automobile (new car) sales and services, including used car sales incidental to new car sales		P	P
Automobile (used car) sales			P
Automobile supply stores		P	P
Automobile upholstery and top shops			P
Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaners			P
Bakeries			P
Bakeries, including baking for sale on the premises only	P	P	P
Bail bonds		P	P
Banks	P	P	P

<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
Banquet rooms		P	P
Banquet rooms not less than 150 feet from an R District	P		
Barber shops and beauty shops	P	P	P
Bars		P	P
Bars not less than 150 feet from an R District	P		
Beverage distributors			P
Bicycle shops	P	P	P
Blacksmith shops not less than 300 feet from an R or OR District			P
Blueprint and photostat shops	C	P	P
Boat sales, services, and repairs			P
Bookbinding			P
Book stores and rental libraries	P	P	P
Bottling works			P
Bowling alleys		P	P
Building materials' yards other than gravel, rock, or cement yards not less than 300 feet from an R or OR District			P
Bus depots, provided buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site		P	P
Business, professional, and trade schools and colleges	C	P	P
Cabinet shops			P
Candy stores	P	P	P
Card rooms		P	P
Carpenter shops			P
Carpet and rug cleaning and dyeing			P
Catering establishments			P
Charitable institutions	C	C	C
Charitable institutions, including lodging houses or dormitories providing temporary quarters for transient unemployed persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing, or supplies on a charitable basis		C	C
Christmas tree sales lots	P	P	P
Churches, synagogues, temples and other institutions of worship	C	C	C

<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
Cigar stores	P	P	P
Circuses, carnivals, and other transient amusement enterprises			C
Cleaning and dyeing			P
Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than 40 pounds per cycle only	P	P	P
Cleaning, coin-operated	P	P	P
Clinics (see "Medical and dental offices")			
Clothing and costume rental establishments	P	P	P
Clothing stores	P	P	P
Cold storage plants			P
Columbariums and crematories not less than 300 feet from an R or OR District			P
Contractors' equipment rental or storage yards not less than 300 feet from an R or OR District			P
Dairy products plants			P
Dairy products manufacturing for retail sales on the premises only	P	P	P
Dance halls		P	P
Delicatessen stores	P	P	P
Department stores		P	P
Diaper supply services			P
Drive-in theaters			C
Drugstores	P	P	P
Dry goods stores	P	P	P
Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales	P	P	P
Electrical repair shops		P	P
Emergency shelters pursuant to the requirements and regulations contained in § 155.040 of this chapter.			P
Employment agencies		P	P
Feed and fuel stores			P
Finance companies	P	P	P
Florists	P	P	P

<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
Food lockers	P	P	P
Food stores and supermarkets	P	P	P
Freight forwarding terminals			P
Frozen food distributors			P
Furniture stores	P	P	P
Fur shops	P	P	P
Garden shops	P	P	P
Gift shops	P	P	P
Glass replacement and repair shops			P
Golf driving ranges			P
Gunsmiths		P	P
Gymnasiums		P	P
Hardware stores	P	P	P
Health Clubs, Neighborhood	P		
Heating and ventilating shops			P
Hobby shops	P	P	P
Hospital equipment		P	P
Hotels and motels		P	P
Household appliance stores	P	P	P
Household repair shops		P	P
Ice storage houses			P
Ice vending stations	P	P	P
Interior decorating shops	P	P	P
Janitorial services and supplies		P	P
Jewelry stores	P	P	P
Kennels not less than 300 feet from an R or OR District			C
Laboratories		P	P
Laundry plants			P
Laundries, self-service type	P	P	P
Leather goods and luggage stores	P	P	P
Light industrial uses permitted in subsection (a) of § 10-5.1003.1			C

<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
(ML Limited Industrial District) provided all conditions prescribed in § 10-5.902 of this article are met			
Linen supply services			P
Liquor stores	P	P	P
Live storage, killing, or dressing of poultry or rabbits for retail sale on premises not less than 300 feet from an R or OR District			P
Locksmiths	P	P	P
Lumber yards, not including planing mills or saw mills, not less than 300 feet from an R or OR District			P
Machinery sales and rentals			P
Massage and physical culture studios		P	P
Mattress repair shops			P
Marine sales, services, and repairs			P
Medical and dental offices	P	P	P
Medical and orthopedic appliance stores	P	P	P
Meeting halls		P	P
Meeting halls not less than 150 feet from an R District	P		
Mens' furnishing stores	P	P	P
Messengers' offices	P	P	P
Millinery shops	P	P	P
Mobilehome parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehome Parks, and Recreational Vehicle Parks)			C
Motorcycle sales and services			P
Mortuaries		P	P
Motels and hotels		P	P
Music stores	P	P	P
Music and dance studios		P	P
Music and dance studios not less than 150 feet from an R District	P		
Musical instrument repair shops	P	P	P
Newsstands	P	P	P
Nurseries and garden supply stores			P

<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
Nurseries and garden supply stores, provided that all equipment supplies, and merchandise other than plants shall be kept within a completely enclosed building and that fertilizer of any type shall be stored and sold in package form only	P	P	P
Office and business machine stores	P	P	P
Offices and office buildings	P	P	P
Optician and optometrical shops	P	P	P
Packing and crating			P
Paint, glass, and wallpaper shops	P	P	P
Parcel delivery services, including garage facilities for trucks but excluding repair shop facilities		P	P
Parcel delivery services, including repair shop facilities			P
Parking facilities, required off-street parking facilities, located on a site separate from the use which the facilities serve as prescribed in § 155.119 of this chapter	C	C	C
Parking facilities, fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in § 155.115 through 155.123 of this chapter	P	P	P
Pet and bird stores		P	P
Pet and bird stores not less than 150 feet from an R District	P		
Phonograph record stores	P	P	P
Photographic supply stores and studios	P	P	P
Pickup truck camper and canopy assembly, sales, and service, when conducted entirely within an enclosed building			P
Picture framing shops	P	P	P
Plumbing, heating, and ventilating equipment showrooms with storage for floor samples only		P	P
Plumbing shops			P
Pony riding rings			C
Pools halls		P	P
Post offices	P	P	P
Prefabricated structure sales			C
Prescription pharmacies and dental and optical laboratories	P	P	P
Pressing establishments	P	P	P

<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
Printing shops		P	P
Printing, including lithographing and engraving		C	P
Private clubs and lodges		P	P
Private clubs and lodges not less than 150 feet from an R District	P		
Private museums		C	
Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines			P
Public utility and public service pumping station, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare	C	C	
Radio and television broadcasting studios		P	P
Railroad stations			P
Racetracks			C
Realtors and real estate offices	P	P	P
Recreational vehicle parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks)			C
Refrigeration equipment			P
Rental hand tools, garden tools, power tools, trailers, and other similar equipment		P	P
Residential uses. Any use permitted under § 155.053(E) of this chapter in RM Districts.....	P	P	P
Restaurants and soda fountains, not including drive-in establishments	C	P	P
Restaurants and soda fountains, not including drive-in establishments, 150 feet or more from an R District	P	P	P
Restaurants and soda fountains, including drive-in establishments, 150 feet or more from an R District Drive-through coffeehouses on property fronting 4th and 5th Streets only (as a subset of restaurants and soda fountains, 150 feet or more from an R District)	C	C	C
Restaurants and soda fountains, including drive-in establishments,			C



<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
less than 150 feet from an R District			
Riding stables			C
Savings and loan offices	P	P	P
Safe and vault repairing			P
Scientific instrument shops	P	P	P
Secondhand stores and pawn shops		P	P
Self-service laundries and self-service dry-cleaning establishments	P	P	P
Septic tanks and cesspool installation and service			P
Service stations, including automobile, truck, and trailer rental as accessory uses only			P
Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three sides	C	C	P
Sheet metal shops			P
Shoe repair shops	P	P	P
Shoe stores	P	P	P
Shooting galleries within buildings			P
Sign painting shops		P	P
Skating rinks			P
Skating rinks within buildings		P	P
Small animal boarding not less than 300 feet from an R or OR District			P
Sporting goods stores	P	P	P
Sports areas or stadiums			C
Sports arenas within buildings		P	P
Stamp and coin stores	P	P	P
Stationery stores	P	P	P
Stenographic services	P	P	P
Stone and monument yards not less than 300 feet from an R or OR District			P
Storage buildings for household goods		P	P
Storage yards for commercial vehicles			P

<b>USES</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>
Storage yards for fuel or flammable liquids			C
Swimming pool sales and services			P
Tailor and dressmaking shops	P	P	P
Taxidermists			P
Taxicab stands	P	P	P
Telegraph offices	P	P	P
Television and radio sales and repair stores	P	P	P
Theaters and auditoriums within buildings		P	P
Ticket agencies	P	P	P
Tire sales and service, not including retreading and recapping, or mounting of heavy truck tires		P	P
Tire sales and service, including retreading and recapping			P
Tool and cutlery sharpening or grinding			P
Toy stores	P	P	P
Travel agencies and bureaus	P	P	P
Travelers' aid societies		P	P
Truck and trailer rentals, sales, and services			P
Truck scales			P
Trucking terminals not less than 150 feet from an R or OR District			P
Umbrella repair shops	P	P	P
Variety stores	P	P	P
Vending machine services			P
Veterinarians' offices and small animal hospitals, including short-term boarding of animals and incidental care, such as bathing and trimming, provided all operations are conducted entirely within a completely enclosed building which complies with the specifications of soundproof construction which shall be prescribed by the Building Inspector			P
Veterinarians' offices and small animal hospitals, including operations not conducted within a completely enclosed building, not less than 300 feet from an R or OR District			C
Warehouses except for the storage of fuel or flammable liquids			P
Watch and clock repair shops	P	P	P

<b><i>USES</i></b>	<b><i>CN</i></b>	<b><i>CC</i></b>	<b><i>CS</i></b>
Welding shops not less than 300 feet from an R or OR District			P
Wholesale establishments			P
Wholesale establishments without stocks	P	P	
Women's apparel accessory stores	P	P	P